

April 2012

Workshop: Negotiations 103 CLE Credit - AAUP Statement on Collective Bargaining

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Recommended Citation

Levine, Carl Esq. (2012) "Workshop: Negotiations 103 CLE Credit - AAUP Statement on Collective Bargaining," *Journal of Collective Bargaining in the Academy*: Vol. 0, Article 24.

DOI: <https://doi.org/10.58188/1941-8043.1075>

Available at: <https://thekeep.eiu.edu/jcba/vol0/iss7/24>

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The statement that follows, a further revision of a statement initially adopted in 1973 and revised in 1984, was approved by the Association's Committee on Representation of Economic and Professional Interests, adopted by the Association's Council in November 1993, and endorsed by the Eightieth Annual Meeting. In 2009, the AAUP Council approved a minor revision of the statement.

The basic purposes of the American Association of University Professors are to protect academic freedom, to establish and strengthen institutions of faculty governance, to provide fair procedures for resolving grievances, to promote the economic well-being of faculty and other academic professionals, and to advance the interests of higher education. Collective bargaining is an effective instrument for achieving these objectives.

The presence of institutions of faculty governance does not preclude the need for or usefulness of collective bargaining. On the contrary, collective bargaining can be used to increase the effectiveness of those institutions by extending their areas of competence, defining their authority, and strengthening their voice in areas of shared authority and responsibility. The Association therefore affirms that faculties at both public and private institutions are entitled, as professionals, to choose by an election or comparable informal means to engage in collective bargaining in order to ensure effective faculty governance. Trustees and administrators are of course free publicly to question the desirability of collective bargaining, but they should not resort to litigation or other means having the purpose or effect of restraining or coercing the faculty in its choice of collective bargaining. Where a faculty chooses collective bargaining, the trustees and administration have a corresponding obligation to bargain in good faith with the faculty-selected representative and should not resort to litigation or any other means intended to avoid this obligation.

As a national organization that has historically played a major role in formulating and implementing the principles that govern relationships in academic life, the Association promotes collective bargaining to reinforce the best features of higher education. The principles of academic freedom and tenure, fair procedures, faculty participation in governance, and the primary responsibility of the faculty for determining academic policy will thereby be secured. Moreover, collective bargaining gives the faculty an effective voice in decisions that vitally affect its members' professional well-being, such as the allocation of financial resources and determination of faculty salaries and benefits. For these reasons, the Association supports efforts of local chapters to pursue collective bargaining.

Policy for Collective-Bargaining Chapters

1. When a chapter of the Association enters into collective bargaining, it should seek to
 - a. protect and promote the professional and economic interests of the faculty as a whole in accordance with the established principles of the Association;
 - b. maintain and enhance within the institution structures of representative governance that provide full participation by the faculty in accordance with the established principles of the Association;

- c. obtain explicit guarantees of academic freedom and tenure in accordance with the principles and stated policies of the Association; and
 - d. create orderly and clearly defined procedures for prompt consideration of problems and grievances of members of the bargaining unit, to which procedures any affected individual or group shall have access.
2. In any agency shop or compulsory dues check-off arrangement, a chapter or other Association agency should incorporate provisions designed to accommodate affirmatively asserted conscientious objection to such an arrangement with any representative.
 3. The principle of shared authority and responsibility requires a process of discussion, persuasion, and accommodation within a climate of mutual concern and trust. Where that process and climate exist, there should be no need for any party to resort to devices of economic pressure such as strikes, lockouts, or unilateral changes in terms and conditions of employment by faculty or academic management. Normally, such measures are not desirable for the resolution of conflicts within institutions of higher education.

Therefore, the Association urges faculties and administrations in collective bargaining to seek mutual agreement on methods of dispute resolution, such as mediation, fact-finding, or arbitration. Where such agreement cannot be reached, and where disputes prove themselves resistant to rational methods of discussion, persuasion, and conciliation, the Association recognizes that resort to economic pressure through strikes or other work actions may be a necessary and unavoidable means of dispute resolution.

Participation in a strike or other work action does not by itself constitute grounds for dismissal or nonreappointment or for imposing other sanctions against faculty members. Permanent replacement of striking or locked-out faculty members is equivalent to dismissal solely for participation in a strike or other job action. Moreover, if action against a faculty member is proposed on the basis of participation in a strike, as on any ground encompassed by the 1940 Statement of Principles on Academic Freedom and Tenure, the proceedings must satisfy the requirements of academic due process supported by the Association. The Association will continue to protect the interests of members of the profession who are singled out for punishment on grounds that are inadequate or unacceptable, or who are not afforded all the protections demanded by the requisites of academic due process.

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