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## **The Accidental Academic: Reflections on 50 Years in Academic Collective Bargaining**

William Connellan<sup>1</sup>

Little did I know that when I started my career as a newspaper reporter that I would have a 50-year academic career with academic labor relations as a central part of that.

I was delighted to accept a permanent position at *The Detroit News* upon finishing my master's program at the University of Michigan in 1968. It was hardly an auspicious start to a journalism career. I was the first reporter ever offered a position when the paper was not publishing due to a long and bitter strike by labor unions. Reporters did not have unions in the 1960s and crossing Teamsters picket lines was not a fun nor friendly experience. Inside we had little to do until *The News* decided to train us to do union jobs in anticipation of possibly breaking the strike. I learned how to use the old Linotype machine, and it spilled hot lead on me one day. I wore only long-sleeved shirts for a few weeks, as I did not want to be a marked man as I walked through picket lines.

While *The News* never published a strike newspaper, preparations for doing so may well have prompted more intense negotiations and the nine-month labor dispute was settled. The damage done to both the unions and the newspapers by that strike lasted for years.

Journalism is a great way to start a career. The reporting and writing skills, along with the range of stories one covers, are major assets to any kind of career path that follows. When new Oakland University President Donald O'Dowd asked me to join his team as assistant to the president in fall 1970 I jumped at the chance. Oakland University (OU) was in its formative years and had just separated from its parent, Michigan State University.

I never intended the OU job to last more than a couple years, nor did I believe it would morph a 50-year academic career. I assumed that I would return to the world of journalism, armed with a short-term academic appointment that would make me a more valuable journalist. The switch back to journalism never happened, so I classify myself as an accidental academic.

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OU faculty petitioned for union recognition in 1970. The union representing the faculty was the AAUP. AAUP also represented faculty at several other Michigan public universities including Wayne State University, Eastern Michigan University, Western Michigan University, and Northern Michigan University. OU was an agency shop until the State of Michigan moved to right-to-work status shortly after I moved to University of Florida. The OU union represents full time faculty and part time faculty who teach 16 or more credits. Medical school faculty at OU are excluded from the bargaining unit.

The OU faculty went on strike in 1971, a 10-day affair that was the first strike nationally among four-year institutions. My role in bargaining in those early years was on the periphery—I directed contingency plans in case of a strike, dealt with press relations, and worked with the President as he worked with executive officers and the Board of Trustees.

The faculty also went on strike in 1976, and the University instituted pay docking for those who were on strike. Each person had a hearing and could have fudged things and avoided the pay docking. Faculty took umbrage at the pay docking, and signed and paid off as gesture of defiance.

By 1981, I was ready to leave the academic world, not to return to journalism but to move into the corporate world. My mentor Don O’Dowd was gone. He provided me with multiple opportunities for professional growth and gave me great latitude in each of those opportunities. For example, he asked me to fill in as temporary director of the Urban Affairs Center when its director left for other opportunities. One of the unfinished tasks in the Center was the creation of “Oakland Prep,” a special high school completion program in Detroit for youth who had dropped out of school and were at high risk for criminal activities. Federal dollars were there to establish the school, but we had no director and no space in Detroit to launch it. One of the more creative staff members in the center said she could find the space and that she would like to take on the task of being principal. Don had been skeptical of the project, but one evening on his front doorstep, he gave me some advice on how to handle. He also said: “If you think we can pull it off, it is your call.” The program turned out to be very successful.

With O’Dowd gone, I felt like there was little opportunity for growth in the new order. Joe Champagne was the new president at OU. He convinced me to stay at OU by moving me to the academic side of the house as Assistant Provost. That opened opportunities that I never imagined possible, and it dumped faculty labor relations in my lap.

## **Tales From The Table**

I picked up other administrative duties in the provost's office along the way, thus bargaining was only part of my portfolio. I moved up the academic administrative ranks as associate provost, vice provost, and two years as acting vice president for academic affairs. I was on the bargaining team as a member in 1982, and then was chief bargainer in 1985, 1988, 1991, 1994, 2000, and 2009. I did not bargain in 1997 while Acting Vice President, and I left administration in 2001 to teach my final years at OU. I returned to the bargaining table post retirement in 2009.

The OU faculty also went on strike in 1985, 1994, and 2009, an unusually large number of work stoppages. They were relatively short strikes, as the union had perfected the short work stoppage as a way of making a statement to the university.

Each strike had some intensity and unusual ways of settling. One that stands out was the 1985 strike. We had been in mediation that failed, and the Michigan Employment Relations Committee appointed a fact-finder. The fact finder met with the two bargaining teams together just before the faculty went on strike. He outlined rather strict rules and timetables that we had to follow in submitting our positions. It was a sobering session, and the work associated with fact-finding was monumental.

We were bargaining the next night with faculty, and they announced a strike about 2 a.m. As we were leaving the hotel, the union attorney gave me a hint on how we might settle the contract. After a few hours of sleep, I called the fact finder to see if he could mediate a session that night. We crammed into the basement of the campus credit union and settled a strike that should never have happened.

The 1994 strike came in the middle of an unsettled presidential situation, and the University hired a different outside attorney (soon to be a judge) who jammed home a settlement. The 2009 strike produced particularly hard feelings, as the University sought an injunction to force faculty back to work. The judge provided a stern warning: "I will issue a ruling tomorrow morning at 10 a.m. but I am not letting either side out of my sight until you settle or tell me to rule." We spent 24 hours in his courtroom, ate cold pizza, and bargained. He stopped by periodically to check on progress and nudge us to a settlement. We solved it around 6 am. In addition to the intense hostility at the bargaining table, faculty in general were angry, particularly given the OU public affairs statements.

That concludes the litany of the strike stories at OU. Even in years that did not result in a strike, the relationship between the union and the university was tumultuous. I will now re-wind the clock and start again with the non-strike events during other bargaining years.

In 1982, Joe Champagne had just been appointed President, and fiscal times were uncertain. We narrowly averted a strike, but the president of the union railed against the contract negotiated by his team, and faculty were openly split. The union did not ratify the contract, and we had to return to the table in the middle of the academic year.

The original proposal turned down by the faculty had a complicated formula that would have given raises to faculty if the state appropriations to the University hit certain levels. The University's chief negotiator was determined not to reward the faculty for voting no on the contract; the union felt it had to get a better contract. Bargaining during the semester was difficult for the union. Faculty were loath to interrupt a semester by striking while classes were in session.

Negotiations stalled despite the presence of a mediator and outside attorneys from both sides. One night the new union chief negotiator came back from a caucus and vowed that the faculty would strike if could not settle within five days. I slipped a note to our chief demanding we take a caucus.

I could hardly contain my laughter until we reached our caucus room. The rest of the team was very worried about a potential strike, and they asked what was so funny. "Let them go, they will be striking during spring break week." That broke the ice in our caucus, we figured out a way to tweak the original proposal, and presented it to the union the next day. It permitted the union to save face, and let the University maintain the position that it had not put more dollars in the package. The faculty ratified the new contract. In the end, the tweak did cost the University about 1.5% more over the three years, but the labor peace was worth it. The union was well aware of my role in tweaking the package. The union had approached the University president with an almost an identical solution.

I picked up other credits with the union along the way. I always taught one course per year in the journalism program I created for the University, and on more than one occasion, they acknowledged that at the table by saying, "you may not be a full-time faculty member, but you do teach, so you understand what we are talking about."

I also had the pleasure of sitting across the table from faculty who had taught me as an undergraduate. It was never awkward and produced some warm moments as they watched a former student bargain on behalf of the university. The most memorable one was the late Ed

Heubel, a professor of political science, from whom I had taken three courses as an undergraduate. His task at the table was to present the union's scheme for a phased retirement program. He staked out a clear reason for the union's desire and then turned to me and said: "It is good for the University as well. You know that most faculty teach three courses per semester, and most faculty have only two good courses in them." In what was one of my more memorable responses: "I know Ed, I took both of yours."

While most bargaining years were challenging with strikes or last-minute settlements, one year stands out in contrast. The union suggested that we try interest-based bargaining. We did not do it the conventional way, but it worked. We settled in mid-June, not Labor Day. Several things contributed to the success. The federal mediator who introduced the concept was a part-time faculty member in our business school, and thus had credibility with both sides. All members of the faculty side had administrative roles at one point, and all but one person on the administrative side had been a member of the faculty. Data were shared easily across the table, and we received a bonus for settling early. The biggest disappointment was that the university failed to capitalize on that success to change the campus culture, so the impact dissipated quickly.

Other challenging issues faced the union and the university. The presence of department chairs in the bargaining unit was troubling to presidents, provosts, and deans. Periodically a president would demand that I bargain chairs out of the union. I would warn him that we would not succeed and that it would just rile the union.

Fortunately, when the president persisted, the union made my argument for me. Several times during my tenure at OU, department chairs would be chief bargainers. They were good bargainers, and they often had a better understanding of administrative concerns than other faculty members.

One such year I was forced to put it on the table, and the union saved the day. We had an outburst across the table when one member of the union team stood up and started screaming at his chief bargainer, claiming he was just like an administrator. It was an unseemly affair, and shortly thereafter we exited the room for a caucus—or in this case a cooling off period. I reported it back to the President. It was enough to dislodge him from that fight and away from the table. I told the union chief negotiator that we would quietly withdraw the proposal at an appropriate time.

Dislodging chairs from the bargaining unit is a painful, if not impossible, process. In my estimation, the time to fight that battle is when a bargaining unit is established, not later. For the most part, my sense is that chairs in or out of unit makes no difference. Despite my

administrative colleagues' distaste for chairs in the bargaining unit, there is one benefit that they overlook. Chairs in the bargaining unit reduces the number of grievances filed. Most faculty anger that leads to grievances are beefs against their chair and they cannot grieve the actions of their fellow union member.

In my estimation, the chair role varies little whether in the bargaining unit or out. Chairs manage their departments, lead the faculty in normal day-to-day activities, and help shape the department as the unit hires new faculty. They also represent the department with the deans and upper administration. I did have one creative faculty member who filed a grievance, alleging that the University failed to "manage his idiot chair." After I stopped laughing, I denied the grievance.

The odd makeup of the bargaining unit when I moved to the University of Florida in 2012 confirmed my sense that chairs in or out of unit makes no difference. At one point in the University's bargaining history, units had the "local option" to include chairs in the bargaining unit or to exclude them. The result is that about half of the chairs are in the bargaining unit, and half are out.

The bargaining unit at Florida is unique in another way. At many universities, a college or two (medicine, law, and agriculture are the most common) are not in the bargaining unit. At Florida, several colleges are not in the bargaining unit. The result is that two-thirds of the fulltime university faculty are not in the bargaining unit. Florida has long been a right-to-work state.

Florida is also very different from Michigan in that there never are strikes. The resolution of bargaining conflicts is through the impasse process. When the sides cannot agree, the state appoints a hearing officer. Both sides make their presentations to the individual, who then recommends a settlement. If either side objects to the recommendations, the Board of Trustees of the University makes the final determination. That model has led more than one union official to describe bargaining as collective begging.

The setting for bargaining always has an impact. Both universities where I have worked have had severe financial challenges that make bargaining in certain years difficult. But finances are not the only environmental issues at the bargaining table. For example, one year at OU faculty asked the University to provide benefits to domestic partners. The Board was reluctant to do so, but in the middle of bargaining all three automakers extended such benefits, and the University opposition to them vanished overnight.

At OU, three-year agreements were standard. Florida also has three-year contracts, but the legislature appropriation process generally dictates “re-openers” every year for wage increases. The result is that we are always bargaining and we don’t get the “breather” that permits both sides to unwind from the stresses of bargaining.

Graduate Assistants are organized at Florida, and those negotiations are fascinating. Turnover of leadership is constant, and chief bargainers frequently will change in the middle of bargaining. Graduate Assistants tend to be more boisterous than their faculty colleagues. They have rallies to get their point across, and they are quicker to go to the media. Unlike the faculty union where they are solid and consistent pockets of support, the political power within the graduate student union is much more fluid. The biggest challenge with the graduate assistant union, both for the employees and for University faculty and administrators, is distinguishing between their roles as employees vs. their roles as students.

The next round of full negotiations will be in 2020, and that will mark 50 years for me in the academic world and in academic bargaining. It has been a fascinating half century. There have been plenty of highlights, some challenges, occasional humor, and hundreds of personal stories that are best left to conversations over a glass of wine rather than in a practitioner’s perspective in a journal. I have learned many lessons along the way.

### **Lessons Learned**

Despite wishful thinking on the part of some administrators, unions are not going away, and there are likely many new unions in the years ahead. The national unions are making significant inroads into part-time faculty groups, graduate assistants, and even postdocs. The continued squeeze on financial resources in universities is not likely to abate, and that will aide union organizing efforts.

The role of a chief bargainer is a challenging one. The job is a mix of human resources, legal, and academic. It is rare that one individual has all those skills, but he or she needs to understand all three. I believe the best environment is one in which the focus is on the academic and where the responsibility for bargaining is located within the provost’s office.

As any veteran bargainer will note, the chief bargainer on both sides has several simultaneous negotiations going on, not just those across the table. The chief on the administrative side is negotiating with his or her own team, with the provost/president, and with a Board of Trustees. The faculty chief bargainer has a similar set of constituents to deal with.

We spend much of our time with people who have challenges that require counseling, discipline, and even discharge, and that can make one jaded. Having outlets like occasional teaching or other administrative duties that focus on positive items in the academy is critical.

Some internal critics of union leadership are fond of noting many union leaders have had their run-ins with the administration and are eager to “get back” at the administration. My experience is that any such anger dissipates quickly, and that union leaders who have had their own challenges with administration at a personal level are much better prepared to represent colleagues who are in potential trouble.

The most important lesson I learned over the years is patience. Bargaining itself is often a colossal waste of time, and both sides position themselves for a settlement. Sometimes patience just comes in the form of letting ideas percolate at the table or in grievances. Occasionally it just is not the right time for an idea. As one of my mentors said, “If at first you don’t succeed, wait until the SOB goes on sabbatical.”

A second lesson learned is that academics on the administrative team are critical to the success of bargaining. Deans, associate deans, and associate provosts have a rapport with faculty and that helps smooth the process. They also can help shape the contract so that it works academically.

A final lesson is listen, listen, and listen. Often, we are caught up in the direct rhetoric and miss the subliminal messages. Those messages are always there; we just have to hear them. In one particularly knotty grievance case that neither side wanted to take to arbitration, we were having difficulty finding common ground. A strong personal relationship with the union grievance officer helped settle it. Without giving an inch on the union position, he was able to telegraph subliminally a message. Within 30 minutes, we had a signed settlement for a case that had dragged on for weeks.

The case above points out the obvious. Solving a problem in grievances/arbitrations or at the bargaining table sure beats going to impasse, strikes, or arbitrations. No one wins in those situations, and there are deep scars that linger for years.

Bargaining is an adversarial relationship. One can have deep divisions at the table because the needs of the union and the University are not always the same. I have been called tough, but fair at the table. That is fine. I also have had chief bargainers on the other side say, “Bill’s word is good.” That kind of mutual trust is essential to the long-term relationship.

While bargaining often pits us against each other, the broader issue that we face is that higher education is under siege.

I came into higher education at a unique point in history. The GI Bill fueled growth in higher education as World War II veterans filled classrooms across the country in the 1950s. Despite the foment across the country with the Vietnam War and civil rights issues in the 1960s, that decade was a high point for American higher education. The response to the Soviets and Sputnik was to invest heavily in higher education, both in terms of appropriations and research support.

That investment has ebbed in the past 50 years because of competing factors in the national economy. The issues are deeper than just the financial issues. Populism and anti-intellectualism run deep in American society, and we have not done a good job in articulating the values of higher education to all segments of society. Tenure, sabbaticals, research mission, and faculty workload are all at risk. We need to do a better job of faculty of dealing with unproductive faculty, either by helping them move on or by working with them to restore their productivity.

Both within and outside the university, we do have a cohesive articulation between various types of faculty—regular faculty, adjunct and other non-tenure track faculty, graduate assistants, and post docs. Collective bargaining will play an integral role in shaping the future of higher education; I hope those who follow my generation will find unique ways of addressing these issues.