Academic Bargaining In Hard Times

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How should academic collective bargaining respond to the current recession – certainly the most severe of the recurrent economic downturns that have shaped higher education funding since the early 1970s? Common sense calls for a cooperative response to a common problem. Common experience foreshadows conflict. After some forty years of academic collective bargaining experience, why can’t we count on common sense?

Despite popular misconceptions, we know, or certainly should know, that conflict is not inherent in the bargaining relationship even in these difficult times. We know, that is, that the bargaining relationship, though it may emerge in response to conflict, can be and often is a means to resolve conflict. Diminishing resources do tend to reawaken and heighten conflict. Even so, when budget shortfalls are unavoidable, cooperative bargaining can seek and has frequently found ways to protect long term academic resources and core academic programs and personnel. In many instances, the parties in the collective bargaining relationship can also cooperate to win student, public and legislative support to minimize loss of revenue.

As recovery efforts get underway, academics can even anticipate opportunities to cooperate to increase revenues. Student demand increases due to unemployed and underemployed workers seeking further education. Businesses seek more skilled employees and university support for technological innovation in order to improve their competitive position. Legislators look for
ways to ameliorate unemployment and encourage economic development. Why, then, do we typically expect and prepare for heightened conflict?

Many administrators argue that academic shared governance and academic collective bargaining impede problem solving because faculty and other academic professionals are too self-interested, too lacking in an understanding of or commitment to the institution as a whole, and simply too slow to reach decisions. So instead of seeking cooperation, some of these administrators actually exacerbate conflict by seeking to use the economic crisis as justification for unilateral changes in policies and programs that they have been previously unable to accomplish.

Conversely, many faculty and academic staff prepare for conflict because they remember that previous downturns have resulted in budget cuts to core programs which have included widespread staff layoffs, program curtailments and freezes or even reductions in staff compensation. They know that average faculty salaries adjusted for inflation remain at 1972 levels and median salaries for instructional personnel overall have declined sharply due to the recurrent increase in the proportion of part-time and non-tenure-track positions. Moreover, they know that the proportion of non-instructional administrative positions and the resources committed to non-instructional administrative salaries have recurrently increased.

The notion that administrators best understand the needs of the institution as a whole is further challenged by the fact that administrators have not always been good stewards of institutional resources. Many faculty and staff unions question the endless quest for prestige that results in a star system in which a few faculty and administrators have super-star salaries while most faculty and staff have lost ground. Academic unionists question the emphasis on non-
academic construction and programs and the disproportionate diversion of academic resources to
benefit corporate research. Currently, academics have watched as endowment investment
managers, having abandoned their previous fiduciary prudence, have followed the commercial
investment lemmings over the financial cliffs.

So, even where there are obvious reductions in public funding, endowment revenues,
grants, tuition revenues and ancillary revenues, academic unionists are likely to closely question
and to resist further cuts in core programs and the already diminished levels of staffing and
compensation. Now more than ever union representatives will seek to ascertain the details of
institutional finances. Many will want increased access to financial data and even to commission
financial studies that include not only operating fund accounts but the movement of revenue and
expenditures through and between designated and temporarily restricted funds as well. Many
will question the growth in administrative positions and compensation. In view of the
disproportionate growth in nonacademic, and especially non-instructional, expenditures, these
are not unreasonable responses.

These challenges to administrative compensation, financial claims and resource allocation
may, however, intensify conflict. Not only do such charges often personalize the dispute at the
negotiating table and within the institution, but they may awaken public and legislative concerns
that are detrimental to the support universities and colleges need in difficult times. So, although
experienced bargainers on both sides should recognize the need, wherever possible, to share
information and discuss options fully and honestly, they should also do so, to the extent possible,
constructively and quietly. In some cases the parties have agreed to a small joint subcommittee to
review pertinent data or to permit an agreed outside expert to prepare a confidential report.
Of course this advice is more easily offered than pursued. Nonetheless, if the financial circumstances are indeed dire, administrators have little to lose by demonstrating the fact. Indeed, it is the unions that may want to consider whether they really want to publicly raise questions that may, in the current severe economic climate, yield answers that add more support to the institution’s claims of stress than the union’s claims to hidden reserves or misuse of resources.

Academic unions do frequently prefer to find savings in non-academic programs and expenditures. But academic unions often work in concert with other campus unions as well as student groups. In Michigan I participated in campus union coalitions and coalitions with students. Many academic unions participate in statewide coalitions as, for example in Connecticut, Rhode Island and New Jersey. Academic unions also work in tandem with university administrators on legislative issues as in California. Where such coalitions exist, academics are often less exclusively focused on academic programs and staff than unorganized faculties or faculty senates.

Further, academic unions, which are obligated and politically motivated to represent a broad membership, often have a more inclusive or egalitarian view of core academic programs than university senates and councils. The breadth of union concern also varies depending on unit composition and whether contingent faculty, academic professionals and even graduate assistants are in the same unit, or are represented by the same bargaining agent, as tenure-track faculty. University administrators accustomed to resolving internal tensions within and between academic and non-academic programs, should understand that academic unions may share similar problems and concerns.
Even though university needs may be a tough sell in these difficult times, coalition building, with a view to encouraging student, public and legislative support, can work to broaden the perspective of both unions and administrations. Too often universities are felt by faculty to have adopted a particular approach to expenditure reduction or revenue enhancement without adequate consultation or regard to the full impact on those affected. Then the faculty association or a disaffected group of faculty retaliates by focusing public attention on other apparently less meritorious expenditures and claiming misuse of resources. So, instead of reaping credit for its efforts to economize, the university may appear self-aggrandizing. Agreement on cost-sharing through bargaining the distributed cost and impact of budget cut-backs, on the other hand, can reduce the likelihood that well intended adjustments diminish rather than enhance public support through destructive charges and countercharges.

After forty years of academic bargaining the options for dealing with economic downturns have been repeatedly explored. I do not know, however, of any systematic study of the options and their consequences. Some commentators have suggested that hard times are good times to introduce fundamental changes that would be resisted in less difficult circumstances. In my experience, however, hard times like hard cases, often make for bad decisions. When program evaluations are driven by economic constraints, the result is all too often to focus on the politically weak rather than the academically extravagant or dispensable. It’s not enough to establish appropriate criteria; too much depends on the weighting and the academic evaluation of academically diverse and often incommensurate programs.

Where sudden curtailments in academic expenditures are truly required, I recommend temporary adjustments that do not diminish or distort academic programs. AAUP’s vase work,
regardless of bargaining, has taught us that university declarations of financial exigency are often unnecessary and that resort to layoffs within the term of contracts or of tenured faculty generally results in substantial discord with minimal real savings. If conducted properly, they are too slow and, after compliance with seniority and recall rights, result in negligible staff reductions not worth the cost in staff morale and public perceptions. Sweeping non-renewal of appointments destroys the university’s future prospects, destroys departmental morale and further diminishes the proportion of tenure-track appointments. Negotiated deferral of salary increases may provide greater savings with less damage to programs, base compensation and long term programs. Mandatory furlough days may work for hourly staff who will at least get the time off, but some form of deferred salary or loan probably makes more sense for faculty and other professional staff who will not benefit from nominal time off.

I would like to think that I write as an academic and not only as a unionist when I further suggest that the way to protect the academy in hard times is not to sacrifice academic programs and personnel or essential benefits like health care and retirement contributions but rather to establish contractual policies that protect academic programs and personnel. From an academic perspective, the best-trade off for necessary salary deferrals or concessions are contract language improvements that protect academic programs, staffing and long term benefits. These protections may include limits to the further erosion of the proportion of tenure-track instruction or further increases in class size and teaching loads.

Precisely because each prior round of budget cuts has diminished the proportion of tenure-track instructors, it makes sense to establish policies that work to prevent easy resort to further erosion of academic personnel and programs. Moreover, such agreements would better enable
unions to persuade their members to accept the temporary economic concessions that are required by short term revenue curtailments. The long term decline in public support will not easily be reversed but that decline did not prevent a disproportionate growth in administrative positions and non-academic program costs. A re-emphasis of academics is long overdue.

In the past, hard times have often meant immediate cuts in contingent appointments since this can be accomplished more quickly than reductions in tenure-track positions. But these cuts were often accompanied by hiring freezes and greater position control of tenure track lines so that the net effect of each economic cycle has been to increase the proportion of contingent positions. The result has been an over-reliance on contingent appointments; that is, a reliance that far exceeds the needs for flexibility in basic staffing, program innovation and specialization. This over-reliance has been shown to diminish faculty involvement in student learning, retention and graduation rates. It has also imposed a severe opportunity cost and, in many fields, a seeming over-production of PhD’s as tenure-track positions for scholar-teachers have been filled with less well-qualified appointees.

On balance, hard times probably call for sharing the pain and agreeing to maintain rather than substantially readjusting the balance between full- and part-time or tenure-track and contingent appointments though it is important over time to diminish the over-reliance on contingent appointments that has resulted from previous budget cycles. On the other hand, academic unions should recognize that rigid hiring freezes to protect existing personnel may be less academically sound than negotiated policies involving appropriate faculty consultation that permit some flexibility in renewals and new appointments even when revenue constraints require cutbacks. Mutual concessions such as these and those suggested above oriented to policies that
protect academic quality may also provide convincing evidence to the public and its representatives that the university or college seeks to protect instructional programs even in the face of real constraints.

My comments are not intended to minimize the difficulty of achieving good solutions in these very hard times. The economic constraints are real, campus negotiations will often be highly charged, and constructive compromises will not be easily attained. So the few off-campus forums that include both unions and management, such as those provided by the National Center for the Study of Collective Bargaining in Higher Education and the Professions at its conferences and in this and other of its publications, provide an unusual and valuable opportunity to explore and test constructive ways of mitigating economic hard times. Cooperating to strengthen the Center and its work can assist us in the campus cooperation essential to sustain and improve our academic programs and policies even in the face of these unusually difficult times.