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Mayra Besosa, NCSCBHEP National Conference, April 12th, 2011

Dual Labor System: Can Higher Education Endure with Such a System?

To best understand the changes impacting higher education, they should be considered within the context of the transformation of society brought about by the increasingly corporate-controlled political and judicial systems. In the last several decades we have witnessed a dramatic redistribution of wealth, and thus of political power and opportunity, to the 10% of the population which presently controls 2/3 of Americans' net worth.

Political commentators Jim Hightower and Phillip Frazer describe the dismantling of the American middle-class as resulting from “a new normal of job insecurity,” as big business shifts from a workforce of permanent employees to one in which “most jobs are temporary, scarce, low-paid, without benefits, and with no upward mobility.”¹

In terms of access to public higher education, data collected by *Postsecondary Education Opportunity* show that since 2000, median family income has declined by 5.4%; meanwhile, tuition and fees for resident undergrads at flagship and other state universities and community colleges have increased by 41 to 60%, contributing to the indebtedness of students and their families.²

Corporatization empowers managers and executives over workers through the weakening or elimination of collective bargaining and – for the academy – of shared governance as well. Witness recently proposed legislation in Wisconsin, Ohio, Connecticut, and Florida; the suspension of the Idaho State University Academic Senate by the state's Board of Education; and the dissolution of the academic senate of Rensselaer Polytechnic Institute (NY) by its administration. Supreme Court rulings that have had the same effect include *Yeshiva* (1980), *Garcetti* (2006) and *Citizens United* (2010).

The economic crisis provides an opportunity for the right wing to ram through regressive political agendas that ban unions and silence workers' voices, thereby facilitating the lowering of wages and the cutting of benefits in both private and public sectors. Speaking Saturday at California Faculty Association's spring assembly in San Francisco, the Economics professor and President of AFT Local 212 of the Milwaukee Area Technical College, a participant in the Wisconsin uprising, Michael Rosen, stated that public sector unions are the last obstacle to a low-wage labor world. These unions have the resources to effectively engage the general public in the political process, contribute to opposition candidates, and thus help defeat wealthy and powerful elites. In their takeover of the Wisconsin capitol, he remarked, “workers drew a line in the sand” and said to the country: “We will not go backwards.”

Rosen also explained how, as part of a divide-and-conquer strategy, the right wing in Wisconsin pits private against public sector workers even though the state's public

¹ “The Hightower Lowdown” newsletter, February 2011

² “Postsecondary Education Opportunity” newsletter, December 2011

employees are paid on average 5% less than their counterparts. As the Milwaukee-based *Rethinking Schools* pointed out, within minutes of Governor Walker's announcement of his "budget repair bill," the right-wing Club for Growth aired TV commercials in Wisconsin portraying public employees as the "haves" and others in the state as the "have-nots."³

Yet, as we all know, hiring trends over the last four decades disprove this claim. Presently, in higher education alone over 70% of the nation's faculty – including those in the public sector – belong to the "have-nots" and are characterized by a general **lack of** union representation and – even where unionized – by a **lack of** the terms and conditions of employment typically associated with the academic profession, including the fundamentals:

- Eligibility for tenure (or permanent employment)
- Academic freedom
- Representation in shared governance.

Unions and senates must resist hiring practices that divide faculty and undermine both collective bargaining and shared governance.

The question posed to this panel is: "Dual Labor System: Can higher education endure with such a system?" My response is that the question is not whether it *can* but rather whether it *should* endure, and that the answer depends on the values we embrace. From the perspective of the AAUP, the answer is "No, it should not endure." But, more importantly, from the perspective of human rights the answer is also a resounding "No, this dual labor system should not endure."

Although in the case of higher education we are not facing crimes against humanity, it might nevertheless be appropriate to appeal to the Universal Declaration of Human Rights,⁴ questioning where elected and appointed officials, administrators, shared governance bodies, and even unions act in violation thereof. (Through the UDHR, the signatory nations agreed to decouple states and rights, jettisoning a state-centric standard to better protect people from abuses and crimes of the state.) Both Human Rights Watch and Amnesty International, for example, have decried anti-union legislation as human rights violations (UDHR, Art. 23 – the right to form and join trade unions).⁵

In higher education, we should also concern ourselves with the universal rights to:

- equal pay for equal work (Art. 23)
- an adequate standard of living (Art. 24)
- freedom of opinion and expression (Art. 19)

³ Bob Peterson, "Wisconsin Uprising: Justice Is in the Air," *Rethinking Schools*, http://www.rethinkingschools.org/archive/25_03/25_03_action.shtml

⁴ "The Universal Declaration of Human Rights," <http://www.un.org/en/documents/udhr/index.shtml>

⁵ "Honor Public Workers' Bargaining Rights," Human Rights Watch, February 25, 2011, <http://www.hrw.org/en/news/2011/02/25/us-honor-public-workers-bargaining-rights>; "Warning on US States' Plans to Severely Restrict Workers' Rights," Amnesty International, March 17, 2011, <http://www.amnesty.org/en/news-and-updates/warning-us-states-plan-severely-restrict-workers-rights-2011-03-17>.

- equal access to higher education on the basis of merit (Art. 26)
- an education directed to the full development of the human personality (Art. 26)

Regarding a dual faculty labor system, since its founding in 1915 the AAUP has been consistent in its position on tenure – with the exception of brief special appointments - as a universal right of teachers, whose primary responsibility is not to boards of trustees but to the public itself. Tenure represents both a guarantee of academic freedom and a means to provide a degree of economic job security that would attract people of ability to the profession.

Last August, the AAUP Committee on Contingency and the Profession released a report entitled “Tenure and Teaching-Intensive Appointments,”⁶ which calls on institutions of all types to abandon the dual labor system and transition to best practices by converting the status of faculty serving contingently to eligibility for tenure.

The report includes two useful appendices. Appendix A offers actual examples of conversion practices and proposals; Appendix B contains examples of forms of stabilization other than tenure (such as continuing appointments, multi-year appointments, and regularization, with protections of due process such as preference for work, seniority, lay-off and recall rights) among which are contract provisions for lecturers in the Cal State, UC and CUNY systems.

Regarding the integration of NTT faculty into shared governance, the institutions featured fall short, sometimes very short, of AAUP standards. A recently formed Subcommittee on Contingency and Governance is presently conducting a survey on shared governance with a view to report its findings and issue specific recommendations.

If we acquiesce to this dual labor system, which tier of faculty will remain in place?

In an article entitled “The Spirit of Wisconsin,” *The Nation*’s Washington correspondent John Nichols points out that the most vital lesson from Wisconsin is that “many Americans still recognize that the most important role of the labor movement is as a countervailing force not just in the workplace but in politics.”⁷ Our challenge is to continue in this role both locally and globally: to resist the race to the bottom and work with human rights organizations to inspire our society to reach for the level of human dignity articulated in the Universal Declaration of Human Rights and that unions advocate for.

In this spirit, last January in Los Angeles, the California Faculty Association convened a meeting of over 70 faculty from 21 states to discuss a national Campaign for the Future of Higher Education. Its mission: to guarantee access to affordable quality higher

⁶ “Tenure and Teaching-Intensive Appointments,”
<http://www.aaup.org/AAUP/comm/rep/teachertenure.htm>

⁷ *The Nation*, March 21st, 2011

education for all sectors of society and to ensure that faculty, students, and the community have a voice in the development of reforms that are truly for the public good. The participants agreed on seven principles that should guide the development and assessment of policy and practice in higher education, and set aside April 13th as a national day of “taking class action” in support of higher education. The campaign will be formally launched May 17th at the National Press Club in D.C.⁸

It is imperative that our organizations get faculty, students and staff on board and work together to convince the public that equal access to quality education – and to collective bargaining, I would add - is the gateway to common prosperity and effective engagement in the political process.

⁸ “Campaign for the Future of Higher Education,” <http://futureofhighered.org/>