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Panel: Unionization and the Development of Policies for Non-Tenure Track Faculty - A Comparative Study of Research Universities

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Unionization and the Development of Policies for Non-Tenure Track Faculty: A Comparative Study of Research Universities

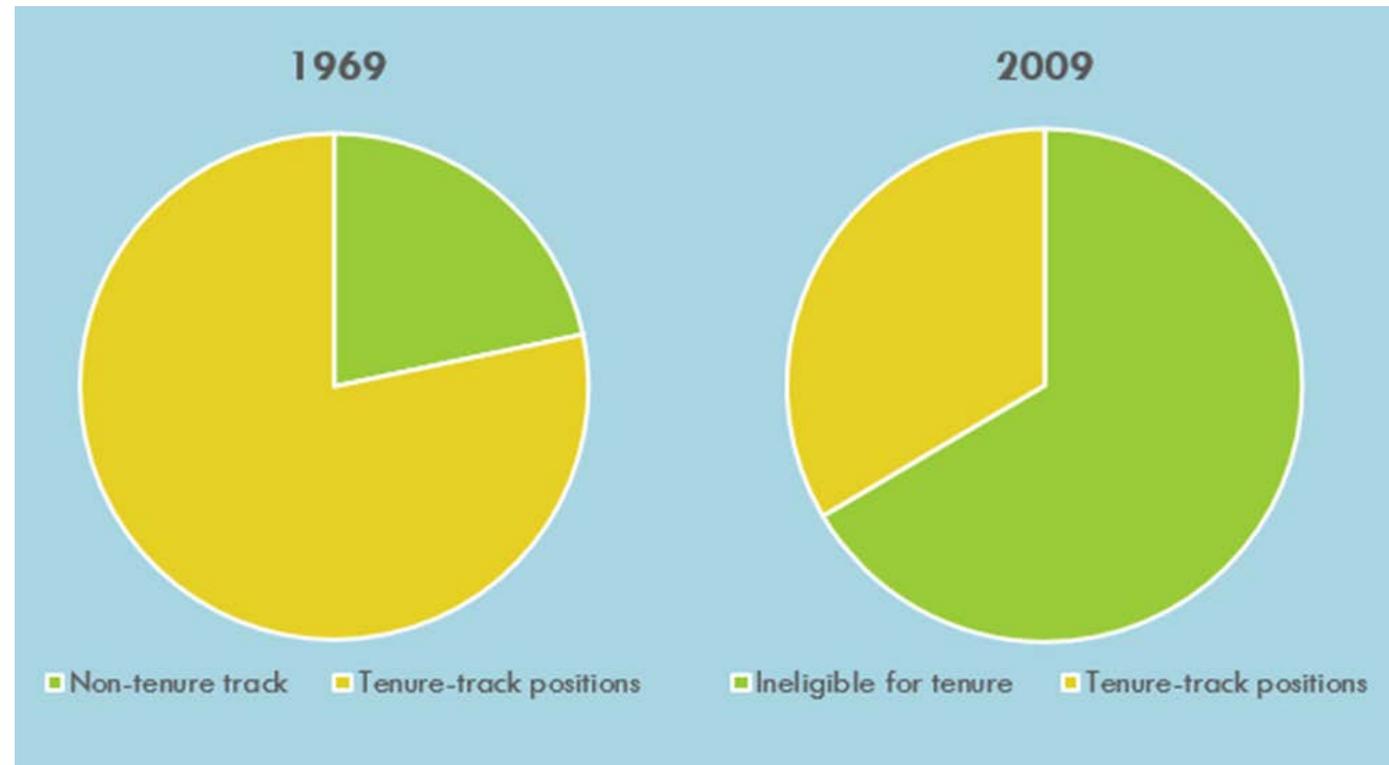
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The John Marshall Law School – Chicago IL

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Why study non-tenure track (NTT) faculty policies?

- Dramatic shift in the proportion of faculty outside the tenure system: from around one-fifth in 1969 to two-thirds in 2009
- Neglect of NTT faculty at some higher education institutions
- Unionization of NTT faculty



Source: Adapted from Kezar & Maxey, 2013

Research question

How do policies at research universities* support and professionalize full-time, non-tenure track (NTT) faculty, and how does NTT faculty unionization influence the development of these policies?

*The study sample is a subset of the US-based members of the American Association of Universities (AAU), an organization of leading research universities

Conceptual framework



Source: Adapted from Gappa et al, 2007

Recommended policies:

- Employment equity
 - Standardized hiring
 - Access to teaching resources
 - Defined expectations
 - Multi-year contracts
- Academic freedom
- Participation in governance
- Professional development
 - Performance evaluation
 - Opportunity for promotion
 - Professional development leave
 - Funding for conferences
 - Mentoring, training, orientation
 - Teaching awards

Sources: Baldwin & Chronister, 2001; Kezar, 2012; Kezar & Sam, 2014

Legal background



- *NLRB v. Yeshiva* (USSC, 1980): faculty exercise managerial authority and as such are excluded from the NLRA.
- *Pacific Lutheran* (NLRB, 2014): NLRB interpreted *Yeshiva* in a way that increases the burden a university must meet to prove their faculty are managerial; NTT faculty were found not to be managerial.
- The *Yeshiva* decision does not affect faculty collective bargaining at public colleges and universities, which is governed by state statute.

Site selection

*Institution also selected as interview site.

**Relative to the other, 60 US-based AAU institutions: low refers to the bottom quartile; middle to the middle two quartiles; and high to the top quartile.

Sources: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, n.d.; Berry & Savarese, 2012

Institution pseudonym	Whether full-time, NTT faculty were unionized as of 2012	Public or private	Level of full-time, NTT instructional faculty as of 2014**
Alpha University*	Yes	Public	Middle
Gamma University	Yes	Public	High
Epsilon University	Yes	Public	Middle
Beta University*	No	Private	Low
Delta University	No (NTT faculty since voted to unionize)	Private	Middle
Zeta University	No (unionization drive underway)	Public	High

Methodology

Analysis of policy documents from 6 institutions

6 faculty handbooks

3 collective bargaining agreements (CBAs)

10 other policy documents (e.g., leave, hiring, grievance policies)

In-person interviews at Alpha (6 total)

2 administrators

3 NTT faculty

1 tenure-line faculty

Phone interviews at Beta (5 total)

1 administrator

2 NTT faculty

2 tenure-line faculty

Data summary: Policy documents

- Policy documents were analyzed for the existence of NTT faculty-supportive policies and for grievance policies applicable to contract renewal or termination.
- **See handout** – table summarizing NTT faculty policies at the six sample institutions.
- The institutions all have at least some supportive policies, and most have many of them (but none of the institutions has in place every single recommended policy).

University structure

Interviewees consistently cited the university's decentralized structure as affecting the content of NTT policies or their implementation.

“What centralized services does is that it creates equity and balance so that everybody is assured access to some modicum of professional development, **which compensates for the difference among the units in their commitment** to professional development or resources.”

—Alpha administrator, explaining the role of centralized professional development

CBA as policy source



CBA as a significant source of recommended policies for supporting and professionalizing NTT faculty.

Union grievance process

“The concerns of NTT faculty are similar to the concerns of other faculty but are more acute, and often it has to do with the—I’ll use the phrase **‘rogue administrator’**—the administrator that is doing things that are not in compliance with university policy, or department policy, or college policy.”

—Alpha administrator, explaining when NTT faculty might need the grievance process

The availability of the grievance process for contract non-renewal or termination generally is broader under CBAs than under faculty handbooks.

Collegiality

Unionization could inhibit collegiality towards NTT faculty, due to the inherently oppositional nature of the union-administration dynamic and the potential for unions to isolate NTT faculty from tenure-line faculty.

“One of our main arguments was ‘We are you. We are your spouses, we are your friends and colleagues. . . . We want to make the University a better place.’ They were completely stone-faced and there were no questions and no interaction But for the [NTT] faculty, it was actually very emotional.”

–Alpha NTT faculty member, describing a NTT faculty union presentation to the administration

Factors influencing unionization

“It would be in departments where you have a greater concentration of NTT faculty. That kind of union campaign would need to be quite grass roots Those are the best campaigns, the ones where you have it working from the bottom up. . .
But it really needs to be strong and deep, instead of broad and shallow.”

–Beta faculty member, explaining why a union campaign to organize NTT faculty would not likely succeed there

Sustained effort of union organizers was cited at Alpha; the absence of a critical mass of NTT faculty and perceptions of relative job security were cited to explain the lack of interest in unionization at Beta.

Recommendations for institutions

- Ensure that institutional policies applicable to NTT faculty conform to best practices.
- Adhere to transparent and standardized appointment procedures to promote NTT faculty legitimacy.
- Implement policies that enhance NTT faculty perceptions of job security: availability of multi-year contracts; performance evaluations; grievance procedure.
- Adopt and implement policies at the institutional level, balancing operational flexibility with ensuring a minimum standard of support for NTT faculty.

Limitations of study

- Small institutional sample.
- Study does not address part-time NTT faculty.
- Sample was not randomly selected (emphasis on institutions with transparent and well-developed institutional policies).
- Alpha and Beta differ not only because one is unionized (e.g., Alpha is public and Beta is private).

Conclusions

- Document analysis confirms findings in literature recording a range of institutional approaches.
- Unions can promote strong policy development and provide a check against arbitrary administrative action.
- Avenues for future research:
 - Analyze a broader sample of CBAs.
 - Relationship between level of NTT faculty and likelihood of unionization.
 - Implementation of NTT faculty policies within a decentralized university structure.



NTT faculty at Duke, after voting to form a union in 2016

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