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## Revitalizing Scholarship on Academic Collective Bargaining

Daniel J. Julius<sup>1</sup>

Interest in unions by those teaching in colleges and universities can be traced to the early 1900s when faculty locals were started at institutions in the Pacific Northwest and at the University of Wisconsin in the 1930s (Cain, 2017). Later in the 1940s, professors at the New School for Social Research and Howard University initiated organizing efforts and managed to form bargaining units. A first time contract covering faculty dates to 1949 at the New School (Herbert, 2017). Laborers and other craft workers were engaged in collective bargaining (without the federal legislation and legal protections in place now) a decade earlier, painters at Columbia University for example. However, it was not until the 1960s and 1970s that collective bargaining as we know it today gained a permanent foothold commencing at Wayne State University and at several public community colleges in Michigan and in the City University of New York. This era witnessed an onslaught of initial studies discussing unions in academe, including some excellent research, heralding what collective bargaining may portend for the American university (Julius & DiGiovanni, 2019).

Research on unions in academe continued as greater numbers of faculty organized into the 1980's but then declined in the 1990s, with the exception of a small group of scholars who continue to study and comment on labor management relations in post-secondary education. However, many prognostications, originally put forward in the 1970s and 1980s remain unexamined. The last two decades in particular, have seen less attention focused on unions in academe. Organizing efforts continue to be robust, and advocates from all vantage points continue to offer arguments both in favor or against collective bargaining. Yet we really know very little about the impact unions have on academic organizations. Much of what is said about the outcomes remain unsubstantiated in peer-reviewed journals or other “non-advocate” scholarly work. In fact, there are few objective and defensible research studies to substantiate

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many claims made by those opposed to or supportive of collective bargaining, particularly when viewing the wider institutional landscape.

Why is the lack of ongoing research important? And what can be done to revitalize a field in need of scrutiny after nearly a century of interest in unions in academic organizations?

Let's begin with many of the original studies, which received great press (and funding) at the time. Many were descriptive or based on faculty attitudes towards unionization and included predictions about where faculty would unionize. For example, one major study receiving attention, published by the Carnegie Commission in the 1970s, suggested that faculty from the most prestigious universities exhibited attitudes most favorable to collective bargaining and would be most likely to organize for purposes of collective bargaining (Ladd, Lipset, & Trow, 1969; Ladd & Lipset, 1973). Fifty years later we now know that how faculty responded to questionnaires at that time was, for a variety of reasons, a poor predictor of actual collective bargaining. Instead, it was faculty from public community colleges and larger comprehensive state universities and systems in locales with a history of K-12 unionization and enabling legislation who organized; "institutional prestige" as it turns out did not presage what occurred over the years and relatively few full-time faculty at high-prestige institutions are organized today. As an example, faculty are organized in only five of the 63 U.S. institutions holding membership in the prestigious American Association of Universities (AAU). Of these five, four of the schools were or are in public system-wide units, and the other is located in a state where all public four-year universities and most two-year institutions are organized; all five locales have enabling labor legislation, union-friendly or union-neutral governors, and significant K-12 activity. Institutional and demographic variables, coupled with the composition of bargaining units, legal apparatus governing labor relations, and the ability of competing bargaining agents to merge, more often determines which faculty joins unions. Throughout the U.S., two-year and four-year faculty at both ends of the spectrum, those with the highest salaries at high-prestige universities, and those associated with the lowest salaries at institutions of lesser prestige, remain, for different reasons, unorganized for purposes of collective bargaining. Many other claims originally made concerning collective bargaining in higher education were not accurate as well.

Lest those reading this essay think the above observations are unimportant, consider that the following issues still remain primarily unanswered (i.e. what we really do not know)! Here are some examples.

Does collective bargaining result in higher wages and compensation for unionized faculty? Tim Cain's excellent 2017 book provides a comprehensive and scholarly discussion of collective bargaining, wages, and compensation. The data are inconclusive; in fact, results are decidedly

mixed. Nor do we know the influence unionization has, if any, on student success, graduation rates, the student experience, accreditation, promotion and tenure criteria, appointment and reappointment. Collective bargaining has not negatively or positively affected the teacher mentor relationship. The most we can say is the status quo has been codified, policies and procedures once set forth in handbooks are now in labor agreements, and in some cases subject to arbitration rather than review in court.

Interestingly, and although somewhat of a different topic, there is scant evidence the learning experience or graduation rates are contingent on whether students are taught by full-time or part-time faculty, regardless of whether such faculty (or students) are represented for purposes of collective bargaining. The research lacks longitudinal and comprehensive studies examining whether tenure or promotion is easier or harder to obtain prior to or after unionization, or whether there is any impact on professional behaviors, faculty teaching standards, or productivity. Nor are there any studies demonstrating that unions have prevented the unfortunate loss of full-time tenured lines.

Does unionization diminish or enhance institutional quality? Many opposed to unionization made this claim. As it happens, academic quality, measured by institutional or disciplinary rankings at major universities where full-time faculty have been bargaining for years ( e.g., SUNY Buffalo, Oregon, Florida, Connecticut, or UC Santa Cruz, as examples), do not appear to have been affected by collective bargaining.

Is one bargaining agent (AFT, NEA, or AAUP or the UAW or SEIU) more effective than another agent? Assuming we can agree on what effective means, comparative agent effectiveness remains as an area in need of examination. What the scant evidence suggests is what matters are institutional and demographic factors associated with institutions where faculty work, not the bargaining agent per se. After all, the majority of full-time faculty are represented by mergers of unions, not by individual agents. Do some unions perform better representing different categories of academic personnel? Again, comparative data demonstrating whether a particular agent is more effective for full-time, part-time or graduate students is absent. More detailed research remains to be done on this topic.

What about “faculty voice” or influence on administrative decision making? A good case could be made that full-time faculty at universities like Ohio State, Texas, Washington or Berkeley, continue to have greater voice in institutional decision making than do organized faculty at San Diego State University, the City College of New York, Bridgewater State in Massachusetts, or Eastern Illinois University. Of course faculty at these larger institutions had greater voice and autonomy (lighter teaching loads and higher compensation) prior to any organizing efforts (reasons, perhaps, they may not have felt compelled to organize). That being

said, has unionization resulted in greater voice, lighter teaching loads, higher salaries or more autonomy for those now represented by unions and what evidence might substantiate such claims? Here too, work remains to be done which looks at these kinds of issues.

What about in-depth studies on union transition (i.e., when one bargaining agent replaces another)? Does this phenomenon, however uncommon, result in greater gains at the table or a better contract, more conflict, strikes? When two bargaining agents split a vote and the “no agent” prevails, as happened at UCLA and Michigan State many years ago, does this kind of vote result in institutional change? Do unions make gains in successive contracts, assuming we can agree on criteria for “gains”? Is faculty unionization associated with greater or lesser job satisfaction among those represented or within particular disciplines? Initial studies conducted in the industrial sector suggested employees in unionized industrial settings exhibited feelings of lesser job satisfaction but felt they had greater job security. Does unionization result in making it more difficult to rid the organization of poor performers (a frequent criticism by those who oppose unions, but, thus far, with little, if any, supportive evidence to support such claims).

Where are studies on best practices in higher education associated with contract negotiations, mediation, or mutual-gains bargaining, where it might work and where it might not, why initial agreements take so long to conclude, or the identification of salient external or internal variables having a significant impact on negotiations, particularly with respect to successor agreements? What about faculty diversity, gender-related matters, social justice, faculty mobility, or relationships between non-tenured and tenure-track faculty? What has been the impact (and where is the evidence) of collective bargaining?

Even the most basic organizational issues, such as what kinds of leadership styles are most effective, for the union or university are still unresolved. What behaviors do chief negotiators need to exhibit to be effective? What is the impact of unions on institutional autonomy or on the interplay between academic governance bodies and collective bargaining agents (shared governance appears to have survived and coexists with unions in many organized institutions but with what operational impact)? Do other-than-faculty employees benefit when unionized and, in cases where faculty are also organized, do negotiations with select groups of institutional employees affect benefits (or losses) awarded to other organized groups on campus? Do graduate students and research assistants benefit from collective bargaining, and where is the research substantiating these gains? We need longitudinal and methodologically sound studies examining these issues, outcomes and claims, both positive and negative.

What about legal matters and legislative matters? Nearly 40 years ago many predicted private institutions, in the aftermath of the Yeshiva (1980) decision, would no longer be compelled to work with unions representing full-time faculty. Today the most successful

organizing drives concern adjunct and part-time employees in these types of institutions, not with tenure-track faculty. However, the last time I checked, the majority of full-time faculty bargaining units in private schools certified and negotiating prior to the Yeshiva decision, are still bargaining. To be sure, unionization among full-time faculty in the private sector has not increased dramatically, and as a percent of the organized professoriate, basically reflects pre-Yeshiva proportions. Collective bargaining in higher education was overwhelmingly a public sector phenomenon from its inception. There are, however, twice as many employees now working under collective bargaining contracts in private schools than in 1981; the majority being part-time, adjunct and graduate students or assistants.

With respect to graduate students at private universities, the NLRB has seesawed between acceptance and rejection of bargaining status. With the current board poised to eliminate such rights in 2020, the small number of those units previously recognized at private universities have, by and large, continued to negotiate. Whether that remains the case going forward is uncertain if the Board eliminates collective bargaining rights for students. While graduate students in the public sector were organized since the late 1960's and early 1970's, there are, as yet, few studies discussing the impact collective bargaining on career paths and scholarly productivity or whether such students are more or less likely to vote for or join unions if they eventually choose to teach.

The impact of legal or legislative actions and decisions remains hard to predict. For example, bargaining units in public institutions in states where enabling labor legislation no longer exists did not disappear, but the long-term impact of the loss of enabling legislation is not known.

The recent Janus (2018) decision, which many predict will have a significant effect on public sector unions, may not, in my opinion, result in much change or impact, and I urge caution before predictions are taken too seriously.

What about innovation and reform? Can we say anything definitive? Do unions hinder the ability of organizations to compete or adopt innovative new policies or programs? Such has certainly not been the case in the NFL or NBA, industries highly organized, or the music and arts industry which has been transformed but not as a result of or in response to unionized employees. Have unions protected jobs in particular industries? Certainly not in the newspaper, railroad, shipping, and heavy manufacturing industries. Whether or not unions hinder reform or innovation or safeguard positions in post-secondary institutions remains to be seen. Certainly we need more data on these matters and particularly on the impact of contracting out and on employment of less than full-time employees?

The challenges ahead with revitalization of research range from the mundane to the complex. For starters, we lack basic institutional and demographic data about the number of campuses unionized, where unions have been decertified, aggregate numbers on subjects of arbitrations, why the parties settle or when strikes occur, even numbers of organized full-time faculty. To the best of my knowledge, data on other than full-time faculty across higher education has been sporadically compiled, and no central data clearinghouse exists. At one time, the National Center for the Study of Collective Bargaining in Higher Education and the Professions compiled across-the-board statistics on academic and non-academic personnel; the published data on full-time faculty is now eight years old, and that information was actually compiled between 2008 and 2011, further underlining its outdated value. To be fair, the information needed is hard to obtain, and I hope an up to date directory is being planned. Larger faculty unions keep good tabulations on units under “their” jurisdictions, but their data does not cover the entire landscape.

Making matters more complex, general agreement is lacking on definitions or criteria associated with the assessment and evaluation of collective bargaining, either on employees or employers, and there are few recent longitudinal studies examining many of the issues highlighted in this essay. Considering the great variety of institutions with organized faculty (e.g. Westchester Community College in New York, the Vermont State Colleges, Wayne State University, the University of New Hampshire, Los Angeles Community College district, or the University of San Francisco), can we say very much about the similarities or differences or effects of negotiations, role of unions, or contract administration issues across the board? And while excellent individual case studies exist, an immediate challenge is that negotiations are governed by different federal and state statutes, in very different organizational environments, in schools with different missions and varying access to resources, or in systems where units are represented by the Governor’s office rather than by the parties who negotiate on campus. General comparative data regarding collective bargaining, as opposed to data on enrollment or trends in state funding, are extremely hard to come by and research looking across contexts is inherently difficult.

Research in labor management relations requires interdisciplinary perspectives and expertise. Historically, much of the important work in the field occurred through collaboration and joint efforts with funding to support studies. Following the Second World War, federal and state interest both in labor and higher education was, for a variety of reasons, pronounced. Presently, higher education is losing public support and funding, an ominous trend and something we should consider. Academic fields ebb and flow, so this phenomenon is not unusual or surprising. However, considering the issues facing post-secondary education at this time, it is discouraging that rudimentary answers to important questions remain unanswered. Political relationships, competition for resources, shrinking work forces, academic decision making, and

declining enrollment will become more problematic, not less, in the years to come regardless of who is in the White House or state legislatures. The institutional landscape, like the earth through climate change, will look very different in coming decades; change will occur at an accelerating rate.

Some modest suggestions begin with the obvious, let's stop bashing unions, blaming them for a host of ills, discouraging trends, and challenges in higher education; ills, trends, and challenges (where evidence exists) do not implicate labor unions as the cause or the cure for that matter. I urge leaders from all perspectives to stop making claims about collective bargaining that are, in reality, the equivalent of fake news. All parties must work collaboratively to define mutual problems, develop defensible criteria to assess and measure outcomes and solutions, and identify objectives which serve the interests of students first and foremost. Blaming the other party may feel liberating and appeal to certain constituencies, but results in something equivalent to rearranging deck chairs on the Titanic. This is especially important as taxpayer dollars become scarcer, and society is less willing to pay for higher education. Technology, foreign competition, declining enrollment, and state and federal support will continue to reshape higher education in ways few imagine today. Daniel Markovits (2019) argues, in his excellent new book, *The Meritocracy Trap*, that Americans may become increasingly less willing to shoulder the stress of competing for entrance to the best schools. The issues being discussed here are not someone else's problems or concerns, they are ours.

Engaging in research is essential. And, in this context our focus must be on the impact of collective bargaining on students and effective ways to invest limited resources, engage faculty, to recruit, promote, and retain talent and enable organizational innovation. In the absence of the definitive impact of unionization, we might, for example, consider better ways to utilize resources now being spent on contract administration, union organizing drives, arbitrations, negotiations, mediation, and law suits. Taking this approach will require a common commitment and, above all, knowing what works, what does not, and why certain policies, actions, and behaviors may be more or less effective. To accomplish some of what I am suggesting, unions may have to rethink how they partner with university leaders and how they represent employees. University leaders may have to rethink the issues they believe important, vis-a-vis unions and work harder at building internal consensus and political coalitions needed to regain control of labor management relations, which are in my opinion, in the hands of people external to the academy.

Questions being elucidated in this essay can be addressed, in part, with more meaningful research and scholarship followed by courageous decision-making and acceptance of what is decided upon. To this point, why not establish campus resources (from union dues and university budgets) to fund research to evaluate collective bargaining outcomes and support non-advocacy

research. Promoting dispassionate research may result in alternative ways to conceptualize and address other organizational concerns. For example, focusing on shared governance (with the goal of improving it) because, as it is now practiced in many academic senates, it is rife with inane speeches, pomp, bureaucracy, and resolutions few take seriously. Can we reimagine working arrangements for tenure-track faculty which may, at some institutions, currently come at the expense of graduate students, adjuncts, or other employees? We all know that administrators are charged with governing and assigning resources, but without the active engagement and support of these full-time faculty, the status quo rarely changes. We are in need of criteria to assess decision-making outcomes and find answers to address engagement-related challenges which can, in my experience, be undermined easily by those responsible for labor management relationships.

Revitalizing research efforts and using the results to make informed decisions and take meaningful actions, will enhance the probability that our challenges and organizational change may be addressed in more equitable ways. Using better data and evidence is never a bad thing and, I would argue, is now more crucial than ever.

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