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## In the Beginning, Long Time Ago: A Brief History of the National Center's Origin and Evolution

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## **In the Beginning, Long Time Ago: A Brief History of the National Center's Origin and Evolution**

### **Cover Page Footnote**

Mr. Herbert thanks Claibourne Williams, Deputy Chief Librarian, Hunter College Libraries and Hunter College Web and Digital Initiatives Librarian Iris Fishel for their assistance with the National Center's archival material. He would also like to thank Tim Cain for his collegiality and support. He also acknowledges the research assistance of Hunter College students Tudor Boanda and Daniel Iskhakov.

## **In the Beginning, Long Time Ago: A Brief History of the National Center's Origin and Evolution**

William A. Herbert<sup>1</sup>

The theme for the 50<sup>th</sup> anniversary conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions (National Center) is Collective Bargaining in Higher Education: Looking Back, Looking Forward: 1973-2023. The theme was designed to encourage reflection on the past and to develop a vision for the future. In many ways, it echoes Einstein's observation about the importance of remembering those who came before us and exerting ourselves in a manner that honors their contributions.<sup>2</sup>

This article describes events leading to the creation of the National Center at the City University of New York (CUNY) and then summarizes the National Center's evolving leadership, programming, research, and publications.<sup>3</sup> It will demonstrate the uniqueness of the National Center's origin as a higher education labor-management research center, distinct in character, and structure from labor education and labor studies programs at other institutions.<sup>4</sup>

While the National Center's priorities and methods have evolved over the decades, it remains an interdisciplinary research center that organizes national and regional conferences, hosts webinars, collects and publishes data on the size and scope of collective bargaining in higher education, produces directories, book chapters, and scholarly articles, and publishes this journal and a monthly electronic newsletter.

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<sup>2</sup> Albert Einstein, *The World As I See It*, in *The World As I See It*, (Secaucus, NJ: Citadel Press, (reprinted 1979) 1 ("A hundred times every day I remind myself that my inner and outer life depends on the labors of other men, living and dead, and that I must exert myself in order to give in the same measure as I have received and am still receiving."

<sup>3</sup> The article stems from a larger ongoing collaborative study of the National Center's history being conducted with Timothy Reese Cain from the University of Georgia's McBee Institute of Higher Education.

<sup>4</sup> See, Devinatz, Victor G and Robert Bruno, *The Role of Labor Education in Revaluing Workers: Historical, Current and Future* in Schulze-Cleven, Tobias and Todd E. Vachon (Eds.). (2021). *Revaluing Work(ers): Toward a Democratic and Sustainable Future*, LERA Research Volume, Chapter 9 (Ithaca, NY: Cornell University Press) (distinguishing between labor education curricula designed to train workers to engage in social transformation and curricula aimed at advancing practical collective bargaining and labor relations skills of workers and union representatives).

## National Center History: The Origins

The formal creation of the National Center took place on August 1, 1972, when the New York City Board of Higher Education approved a resolution authorizing the establishment of a National Center for the Study of Faculty Collective Bargaining in Higher Education at Baruch College.<sup>5</sup> The stated rationale for the new research center was recognition that faculty “collective bargaining has emerged as one of the paramount issues confronting higher education,” faculty collective bargaining relationships were growing nationwide, and CUNY’s recent experiences in collective bargaining made it the appropriate higher education institution to sponsor and house such a center.<sup>6</sup>

The center was created to organize and sponsor conferences, workshops, and trainings in the substance and procedure of collective bargaining and to conduct interdisciplinary research into faculty labor relations in higher education.<sup>7</sup> An underlying premise was the belief in higher education exceptionalism that warranted an industry-specific labor-management center.

Although the life of the National Center began in 1972, its history traces back to 1963 when two competing faculty organizations unsuccessfully sought voluntary recognition from CUNY Chancellor Albert H. Bowker to represent CUNY faculty for purposes of collective bargaining: the unaffiliated Legislative Conference and the United Federation of College Teachers, Local 1460 (UFCT), an affiliate of the American Federation of Teachers (AFT).<sup>8</sup>

The Legislative Conference was formed in the late 1930s to lobby city and state legislatures to improve the salaries, benefits, and working conditions of faculty at City College, Brooklyn College, Hunter College, and Queens College. UFCT was chartered by the AFT and it was an outgrowth of the United Federation of Teachers, which was voluntarily recognized and negotiated a first contract with the New York City Board of Education following two strikes.<sup>9</sup>

In 1963, CUNY was not legally obligated to recognize or formally bargain with either organization under federal or state law. While New York City had an existing collective

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<sup>5</sup> Minutes, (1, August 1972). Executive Committee Meeting, Board of Higher Education of the City of New York, 134, Resolution No. 2. Retrieved from [https://policy.cuny.edu/policyimport/board\\_meeting\\_minutes/1972/08-01/document.pdf](https://policy.cuny.edu/policyimport/board_meeting_minutes/1972/08-01/document.pdf).

<sup>6</sup> Ibid.

<sup>7</sup> Noticeably absent from the National Center’s initial charge was the development of programming and research about university and college employees besides tenured and tenure-track faculty. Over the half-century, the National Center did convene panels and publish research about non-tenure track faculty, other professionals, graduate assistants, and support staff. However, such programming and scholarship were episodic until the past decade.

<sup>8</sup> Mintz, B. (1979). *Living with Collective Bargaining: A Case Study of the City University of New York*, (New York, NY: National Center for the Study of Collective Bargaining in Higher Education.), 1-2. Retrieved from: <https://www.hunter.cuny.edu/nscsbhep/assets/files/Living%20With%20Collective%20Bargaining.pdf>.

bargaining program under Mayor Robert F. Wagner's Executive Order 49, it was applicable to municipal employees but not CUNY employees.<sup>10</sup> CUNY's position in 1963-1967 concerning the demands for recognition was "cautious recognition of the existence of the two rival faculty employee organizations and consultation with them if and almost when requested including acquiescing to their leaders appearing before the closed-to-the-public monthly meetings of the Board [of Higher Education] – but no bargaining agent status."<sup>11</sup> This "lip service to the concept of recognition" was necessitated by two political realities: Mayor Wagner's firm support for public sector collective bargaining and a Board of Higher Education that included "several people prominent in the field of labor."<sup>12</sup>

In 1966, UFCT was certified by the New York City Department of Labor to represent two bargaining units, one for faculty and professionals and another for instructional support staff, at the Fashion Institute of Technology, a non-CUNY community college.<sup>13</sup> By the same year, faculty unions had been recognized at approximately eight community colleges in other states.<sup>14</sup>

Public sector collective bargaining rights became applicable to CUNY faculty and staff on September 1, 1967, the effective date of New York's Public Employees' Fair Employment Act (commonly referred to as the Taylor Law).<sup>15</sup> Within three months, the Legislative Conference filed a petition with the New York State Public Employment Relations Board (PERB) seeking to represent all CUNY instructional staff divided into two bargaining units.<sup>16</sup> UFCT intervened in the representation case seeking to represent two bargaining units as well but with different compositions. In contrast, CUNY argued for a wall-to-wall instructional unit based on the "structural unity" of the "instructional staff and its belief that any two unit structure was contrary

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<sup>9</sup> Kahlenberg, Richard D. (2007). *Tough Liberal: Albert Shanker and the Battles Over Schools, Unions, Race, and Democracy* (New York, NY: Columbia University Press), 46-49. Faculty unionization at New York City public colleges dates back even further to the AFT's chartering of the New York College Teachers Union, Local 537 and the subsequent CIO chartering of State County Municipal Workers of America, Local 555 to represent college faculty. See, Herbert, W. A. (2017) The History Books Tell It? Collective Bargaining in Higher Education in the 1940s, *Journal of Collective Bargaining in the Academy*: Vol. 9, Article 3, 18-25. Retrieved from: <http://thekeep.eiu.edu/jcba/vol9/iss1/>.

<sup>10</sup> Exec. Order No. 49 (Mar. 31, 1958), reprinted in *Labor Relations Program for Employees of the City of New York*, 12 *Indus. & Lab. Rel. Rev.* 371, 618-25 (1959).

<sup>11</sup> Mintz, *Living with Collective Bargaining*, 20.

<sup>12</sup> Mintz, 19.

<sup>13</sup> Fashion Inst. of Tech., NYCDOL No. R-111-66 (June 6, 1966), Board of Higher Education of the City University of New York, 27 February 1968, NYPERB Case File No. C-0008 (174892-08), box 56, New York State Archives, Albany, NY.

<sup>14</sup> *Directory of Bargaining Agents and Contracts in Higher Education*. (April 1, 1977). (New York, NY: National Center for the Study of Collective Bargaining in Higher Education. Retrieved from: <https://www.hunter.cuny.edu/ncscbhep/assets/files/directory-april-1977.pdf>.

<sup>15</sup> Laws of 1967, Ch. 392, N.Y. Civ. Serv. Law 200, et seq.

<sup>16</sup> Bd of Higher Ed. of the City Univ. of N.Y., 2 NYPERB ¶ 3056 (N.Y. Pub. Empl. Rel Bd. 1968). Mintz, *Living with Collective Bargaining*, 4-5.

to the administration and educational needs of the university.”<sup>17</sup> The first witness at the 1968 PERB hearing was CUNY Vice-Chancellor for Business Affairs Bernard Mintz, who later played instrumental roles in CUNY negotiations and the creation of the National Center at Baruch College.<sup>18</sup>

Ultimately, PERB adopted the argument of the Legislative Conference and found that CUNY’s tenured and tenure-track faculty belonged in a separate bargaining unit from non-tenure track faculty.<sup>19</sup> The agency reasoned that the two faculty groups lacked a community of interest because of differences in job security, wages and benefits, involvement in governance, professional loyalty, as well as the significant size of the non-tenure track faculty.<sup>20</sup>

Following contested representation elections between the two unions in December 1968, the Legislative Conference was certified by PERB to represent the tenured and tenure track faculty bargaining unit and UFCT was certified to represent the non-tenure track unit.<sup>21</sup> Separate bargaining for the faculty units began in February 1969 with Vice-Chancellor Bernard Mintz as CUNY’s chief negotiator.<sup>22</sup> CUNY and the Legislative Conference reached their first contract in September 1969, and CUNY and UFCT reached their own agreement in the following month.<sup>23</sup>

The successful settlements of the two faculty contracts led the CUNY administration to begin planning a National Conference on Collective Negotiations in Higher Education, which was held on May 1 and 2, 1970 in the Sunlight Roof Club at the Waldorf-Astoria Hotel in New York City.<sup>24</sup> The 1970 conference, chaired by CUNY’s Director of Program Development-Division of Teacher Education Myron Lieberman,<sup>25</sup> attracted approximately 300 administrators, faculty representatives, trustees, scholars, labor relations agency officials, and private attorneys

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<sup>17</sup> Mintz, 4, 7.

<sup>18</sup> Board of Higher Education of the City University of New York, 27 February 1968 Transcript, 32-33, NYPERB Case File No. C-0008 (174892-08), box 56, New York State Archives, Albany, NY.

<sup>19</sup> Bd of Higher Ed. of the City Univ. of N.Y, *supra*.

<sup>20</sup> Bd of Higher Ed. of the City Univ. of N.Y, *supra*.

<sup>21</sup> Mintz, 23-24.

<sup>22</sup> Mintz, 141.

<sup>23</sup> Mintz, 34, n. 4, 43, n. 9; Lieberman, M. (1971). Preface, *Collective Negotiations in Higher Education: A Symposium*, Wisconsin Law Review. 1.

<sup>24</sup> It is questionable whether those assembled on May 1 were cognizant that the conference was commencing on International Workers’ Day, which historian Donna T. Haverty-Stacke has labeled America’s forgotten holiday. See. Haverty-Stacke, D. (2009). *America’s Forgotten Holiday: May Day and Nationalism, 1867-1960* (New York, NY: New York University Press).

<sup>25</sup> Lieberman was a nationally renowned education scholar and an early proponent of collective bargaining for teachers. In 1979, he announced that he had reexamined his perspective and its rationale and concluded that teacher bargaining rights should be significantly limited in comparison to the private sector. Lieberman, M., “Eggs That I Have Laid: Teacher Bargaining Reconsidered.”(Feb. 1979). *The Phi Delta Kappan*, Vol. 60, No. 6.).

from throughout the United States and Canada.<sup>26</sup> Attendees were overwhelmingly male administrators from public and private four-year institutions and community colleges.<sup>27</sup>

The timing and location of this long-forgotten conference was clearly aimed at disassociating collective negotiations from the protests, disruptions, and controversies taking place at CUNY and on other campuses at that time.<sup>28</sup> President Nixon's announcement of the invasion of Cambodia the day before,<sup>29</sup> likely distracted speakers and attendees distressed by the war's expansion and fearful of the massive campus anti-war protests to follow.

The conference began with opening remarks by CUNY Chancellor Bowker.<sup>30</sup> Bowker noted the appropriateness of CUNY organizing the event based on its status as the first university to negotiate faculty contracts.<sup>31</sup> In his remarks, Bowker acknowledged the common initial reaction of higher education administrators when faced with a union organizing drive: fear. He emphasized that the fear among CUNY administrators was not due to "visceral anti-unionism." Rather, their fear was based on two primary concerns: formal contracts might inhibit flexibility and innovation, and collective bargaining would increase fiscal pressures that could trigger interference by elected public officials, resulting in the undermining of academic freedom.

With respect to the latter concern, Bowker stated that "when there is keen competition for fiscal priorities corresponding to periods of chronic campus disruption, there is enormous temptation for elected officials to compensate for what some elements of the public regard as

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<sup>26</sup> Conference Participants. (1970, May 1-2). CUNY National Conference on Negotiations in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>27</sup> Conference Agenda. (1970, May 1-2). CUNY National Conference on Negotiations in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>28</sup> See, Fabricant, M. and Stephen Brier. (2016). *Austerity Blues: Fighting for the Soul of Public Education* (Baltimore, MD: Johns Hopkins University Press) 80-84 (describing protests on CUNY campuses about implementation of an open admissions plan); Schrecker, E. (2021). *The Lost Promise: American Universities in the 1960s* (Chicago, Ill.: University of Chicago Press) (analyzing the role faculty and administrators played in campus controversies over free speech, civil rights, the anti-war movement, academic freedom, and open admissions at CUNY during the long 1960s, which led to the conservative backlash against higher education that continues today).

<sup>29</sup> Semple, R.B. (1970, May 1). Nixon Sends Combat Forces to Cambodia to Drive Communists from Staging Zone, N.Y. Times, 1.

<sup>30</sup> Bowker, A.H. (1970, May 1). Remarks of Albert H. Bowker, Chancellor, City University of New York, CUNY National Conference on Negotiations in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>31</sup> Chancellor Bowker's description of CUNY as the first university to negotiate a faculty collective bargaining agreement was inaccurate. Two decades before, collective bargaining agreements involving faculty were negotiated at Howard University, the Hampton Institute, and the New School for Social Research. Herbert, "The History Books Tell It?," 26-31

generous handling of university budgets by taking a hard line toward those whom George Wallace refers to as ‘pointed headed’ college professors and presidents.”<sup>32</sup>

Bowker admitted that in the end, CUNY’s collective bargaining experience did not fulfill the fears of its administrators. The faculty contracts did not inhibit innovative programs or erode self-governance. New York public officials provided the necessary funding for faculty salaries and expanded programming because those officials were “were basically sympathetic to the role of public higher education.”<sup>33</sup> Nevertheless, Bowker expressed concerns about faculty unions opposing future change, the potential erosion of academic freedom, and acknowledged his continued skepticism toward public sector collective bargaining rights.<sup>34</sup>

The 1970 conference had seven sessions that included an address by University of California labor law professor Donald H. Wollett on the status and trends in faculty collective bargaining,<sup>35</sup> and a luncheon presentation by Vice-Chancellor Mintz on the representation and bargaining process that resulted in the CUNY faculty contracts.<sup>36</sup> Other papers presented at the conference examined bargaining unit determinations,<sup>37</sup> the scope of bargaining,<sup>38</sup> the application of the National Labor Relations Act and similar public sector laws to higher education,<sup>39</sup> collective bargaining in Canadian higher education,<sup>40</sup> the impact of negotiations on academic administration,<sup>41</sup> and strikes in higher education.<sup>42</sup> Conference presenters included scholars, administrators, representatives from AFT, the National Education Association (NEA), and the American Association of University Professors (AAUP), attorneys and government officials. Some of the conference papers were published the following year in the *Wisconsin Law Review*.

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<sup>32</sup> Bowker, 2.

<sup>33</sup> Bowker, 2.

<sup>34</sup> Bowker, 2.

<sup>35</sup> Wollett, D. (1971). “The Status and Trends of Collective Negotiations for Faculty in Higher Education,” *Wisconsin Law Review*, 1-32.

<sup>36</sup> Mintz, B. (1971). “The CUNY Experience.” *Wisconsin Law Review*, 1, 112-124.

<sup>37</sup> Aronin, L. (1970, May 1). Remarks of Louis Aronin, Executive Director, New Jersey Public Employment Relations Commission, National Conference on Negotiations in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>38</sup> Moskow, M. (1971). “The Scope of Collective Bargaining in Higher Education,” *Wisconsin Law Review*, 1, 33-54.

<sup>39</sup> Livingston, F.R. and Andrea S. Christenson. (1971). “State and Federal Regulation of Collective Negotiations in Higher Education,” *Wisconsin Law Review*, 1, 92-111.

<sup>40</sup> Proulx, P-P. (1971). “Collective Negotiations in Higher Education-Canada” *Wisconsin Law Review*, 1, 177-186.

<sup>41</sup> Finkin, M. (1971). “Collective Bargaining and University Government,” *Wisconsin Law Review*, 1, 126-149.

<sup>42</sup> Conference Agenda (1970, May 1-2) National Conference on Negotiations in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

In his address, Professor Wollett discussed the emergence and growing prevalence of faculty collective negotiations at the community and junior college levels and the anticipated growth at four-year institutions with the expansion of collective bargaining rights under federal and state law.<sup>43</sup> Wollett summarized factors that have led lower-tier faculty to support union representation including job security, low wages, poor working conditions, and denial of a voice in decision-making.<sup>44</sup> He also discussed the importance of faculty bargaining unit composition, subjects of negotiations, recent negotiated contract articles, and he identified issues that created special challenges in faculty collective bargaining including its relationship with shared governance.<sup>45</sup> Wollett recognized that collective bargaining “is a system of representative government pursuant to which decisions are made on the basis of compromises which survive the test of majority rule in the appropriate bargaining unit.”<sup>46</sup>

Finally, and most importantly in National Center history, Wollett ended his paper with a call for the creation of a “center on collective negotiations in higher education at a university.”<sup>47</sup> He envisioned a center that would engage in interdisciplinary research into the scope of higher education unionization and collective bargaining, to function as a central repository and clearinghouse of reliable data, to provide labor-management trainings in collective negotiations, and to publish original scholarship and conference proceedings. He emphasized that the center’s research and programming would be valuable to administrators, labor unions, higher education scholars and organizations.

### **National Center History: The Baruch College Era, 1972-2002**

In March 1972, Vice Chancellor Mintz left CUNY’s central administration to assume a faculty position at Baruch College and to become the college’s Executive Vice President and Deputy to President Clyde J. Wingfield.<sup>48</sup> Shortly thereafter, Baruch College’s administration and faculty took steps to turn Professor Wollett’s May 1970 proposal for a national higher education collective bargaining research center into a reality. This included successfully

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<sup>43</sup> Wollett, “The Status and Trends of Collective Negotiations for Faculty in Higher Education” 3-6.

<sup>44</sup> Wollett, 7-10.

<sup>45</sup> Wollett, 18-29.

<sup>46</sup> Wollett, 18.

<sup>47</sup> Wollett, 29-31.

<sup>48</sup> In the same month, the Legislative Conference and UFCT announced their merger and the creation of a new wall-to-wall instructional union: the Professional Staff Congress (PSC). Later that year, the PSC became the exclusive bargaining representative of a single wall-to-wall instructional bargaining unit following a representation election. Mintz, B. *Living with Collective Bargaining*, 79-80; Elliott-Negri, L. *Wall to Wall: Industrial Unionism at the City University of New York, 1972-2017* in Tolley, K. (2018). *Professors in the Gig Economy: Unionizing Adjunct Faculty in America* (Baltimore, MD: Johns Hopkins University Press), 155-156.

requesting authorization for the creation of the center from the Board of Higher Education and preparing a 60-page proposal to solicit support for the new center.<sup>49</sup>

Baruch College announced the National Center's founding in a 12-page glossy brochure, which dropped the word faculty from the center's name. The brochure was distributed to administrators and faculty representatives with a brief cover note from President Wingfield.<sup>50</sup> With faculty unionization in its infancy and still controversial, the brochure emphasized the National Center's strict neutrality about collective bargaining:

The Center takes no position for or against collective bargaining, but seeks to be a source of reliable information and insight. It is founded on the premise that whatever the merits, the more information and understanding that can be brought to bear on the process, the better will the interest of all parties be served.<sup>51</sup>

The brochure outlined five major components of the National Center's future activities:

1. A national data bank on collective bargaining in higher education, with emphasis on faculty bargaining. It will collect and continually update information on all aspects of the field, including negotiations, agreements, scope, employee and institutional coverage, administration, issues, conflict resolution, legislation, judicial action, and so forth.
2. An information clearinghouse with suitable media for information circulation and exchange, including a periodical newsletter, annual journal and special bulletins on unusually significant developments.
3. An ongoing program of interdisciplinary research and analysis on issues in the field.
4. A resource for consultation on immediate, individual problems in collective bargaining. The Center will provide college administrators and faculty leaders with expert advice and assistance in such areas as pre-negotiations planning, negotiations approaches and strategies, and the administration of agreements once concluded.
5. A program of collective bargaining training for education leaders through seminars, institutes, and other programs. Its long-range goal is to develop a corps of skilled and informed leaders for both sides of the bargaining table.<sup>52</sup>

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<sup>49</sup>Bernard M. Baruch College. (1972, October 1). A Proposal for Support of a National Center for the Study of Faculty Collective Bargaining in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>50</sup> National Center for the Study of Collective Bargaining in Higher Education Brochure, 5 National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>51</sup> Brochure, 5.

<sup>52</sup> Brochure, 5-6.

6. The brochure also announced the National Center's senior faculty staff from Baruch College's Departments of Economics, Management and Education, which later became the Faculty Advisory Board:
  - Maurice C. Benewitz, the first National Center Executive Director, Professor of Economics, Arbitrator, and former Dean of Administration.
  - Bernard Mintz, Professor of Management and Executive Vice President for Administration.
  - Samuel Ranhard, Professor of Management and former Department Chairman.
  - Theodore H. Lang, Professor of Education and Director of Baruch College's Graduate Programs in Educational Administration.
  - Julius Manson, Professor of Management and former Dean of School of Business and Public Administration.
  - Aaron Levenstein, Professor of Management and former UCFT City University Council Chairman.

Lastly, the brochure listed a 21-member inaugural National Center Board of Advisors which included senior administrators from CUNY, Central Michigan University, California State College System, University of Wisconsin-Madison, prominent labor leaders from the AFT, UFT, and AFSCME District Council 37, labor relations agency leaders, scholars, and attorneys.

The National Center thrived at Baruch College for most of the next three decades, fulfilling its programmatic and research mission under a succession of directors: Maurice C. Benewitz, Thomas M. Mannix, Theodore H. Lang, Aaron Levenstein, Joel M. Douglas, and Frank Annunziato. It received advice and guidance from the Board of Advisors and the Faculty Advisory Board. The center's publications and activities were particularly prolific under the leadership of Joel Douglas. Other staff, including librarians John C. Allen and Molly Garfin, along with interns like future administrator and scholar Daniel J. Julius, made many important contributions to the center's research and publications.

The following is a description of the core aspects of the National Center's programming, research, and publications prior to the mid-1990s when Baruch College began to curtail its support for the center's mission and work.<sup>53</sup>

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<sup>53</sup> In those later years, the center's directors were Douglas H. White, Victor Gotbaum, and Beth Hillman Johnson. During his short tenure, Gotbaum wrote a book on negotiations that included anecdotes from his illustrious labor career. Gotbaum, V. (1999). *Negotiations in the Real World: Getting the Deal You Want* (New York, NY: Simon & Schuster).

## **Grievance, Arbitration, and Collective Bargaining Workshops**

The National Center conducted its first program in October 1972 on grievance and arbitration in public education, a workshop co-sponsored by PERB.<sup>54</sup> The program was designed to train public sector labor and management representatives on effective grievance handling and processing through arbitration, but the workshop did not address issues specific to higher education.

In subsequent years, the center organized regional programs around the country on grievance, arbitration, and collective bargaining techniques in higher education. Many of the workshops were co-sponsored by the American Arbitration Association and other universities including Northwestern University, Northern Illinois University, Wayne State University, Northeastern University, and University of South Florida.

## **Annual National Conferences**

Starting in 1973, the National Center began convening annual national conferences in New York City on collective bargaining and related issues in higher education. The first annual conference took place on April 12-13, 1973 at the New York Hilton Hotel.<sup>55</sup>

Speakers at the 1973 conference included CUNY Chancellor Robert J. Kibbee, University of California Professor Wollett, University of Michigan Professor Terrence N. Tice, Columbia University Professor Margaret K. Chandler, AFT President David Selden, PSC Deputy President Israel Kugler, and philosopher Sidney Hook, Emeritus Professor, New York University. In his speech, Hook predicted that “there is every likelihood that collective bargaining is the wave of the academic future,” particularly among lower ranked faculty, but emphasized that the terms of faculty contracts must not impair the academic mission.<sup>56</sup>

From 1973 to 1999,<sup>57</sup> each annual conference included presentations on a range of topics. The most common were collective bargaining processes, participants, subjects, and the impact of faculty collective negotiations on the academy. The second most common subjects were fiscal crises and exigencies, retrenchment, and layoffs. The subjects of fiscal austerity and the need for greater public support for higher education ran through the conference agendas but the financial

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<sup>54</sup> Program Agenda, Grievance and Arbitration in Public Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>55</sup> Benewitz, M. (1973, April). Proceedings, First Annual Conference. Retrieved from <https://thekeep.eiu.edu/jcba/pre-2006/1/article.pdf>.

<sup>56</sup> Hook, S. (1973, April) The Academic Mission and Collective Bargaining, in Benewitz, Proceedings, First Annual Conference, 12-13.

<sup>57</sup> The proceedings for each conference in the periods 1973-1999, 2006-2022 are available on the National Center’s website: <https://www.hunter.cuny.edu/ncsbhep/proceedings>.

crisis was not new. It was cited in 1972 as a reason for the center's creation, recognizing that inadequate public funding will cause administrators to impose retrenchment that would lead to friction with faculty.<sup>58</sup> Four years later, the conference theme was Collective Bargaining and the Fiscal Crisis in Higher Education and fiscal issues became regular subjects at conferences in the 1970s, 1980s and 1990s. The conference theme in 1993 was Unions and Management: Working Our Way Out of Fiscal Stress.<sup>59</sup> Consistent with the subject of austerity but a bit ahistorical, a 2000 conference plenary was titled The Coming Fiscal Crisis in Higher Education.

Other common conference topics were tenure, due process, academic freedom, discrimination, compensation, productivity, and legal issues. To the extent there were panels relating to negotiations in other countries, they were limited to Canada and Europe.

Starting in the mid-1980s, the annual conferences expanded to cover staff bargaining issues and the unionization of professionals outside of higher education. For example, a 1985 conference panel examined the clerical and technical workers strike at Yale University with perspectives from the union, the administration, and two faculty members.<sup>60</sup>

Despite the steady growth in non-tenure track faculty appointments in the academy since 1969, relatively few panels at National Center conferences addressed collective bargaining issues relating to the on-going restructuring of academic labor positions. For much of this period, CUNY faculty union leadership "sought actively to dissuade [non-tenure track faculty] from joining" their union or even paying an agency shop fee.<sup>61</sup> The first conference presentations on contingent faculty issues were in 1979 and conference papers were also presented at the 1982, 1986, 1988, and 1989 annual conferences.

At the 1979 conference, University of Virginia professor David W. Leslie's paper predicted that by 1985 approximately 40% of all faculty would be part-time.<sup>62</sup> Leslie's paper examined the inconsistent attitudes of national unions toward representing contingent faculty, relationships

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<sup>58</sup> Bernard M. Baruch College. (1972, October 1). A Proposal for Support of a National Center for the Study of Faculty Collective Bargaining in Higher Education, 13.

<sup>59</sup> Naples, C. (1993, April). Unions and Management: Working Our Way Out of Fiscal Stress, Proceedings, Twenty-First Annual Conference, Retrieved from <https://thekeep.eiu.edu/jcba/pre-2006/21/article.pdf>.

<sup>60</sup> The Strike at Yale in Douglas, J. M. (ed.) (1985, April). Unionization and Academic Excellence, Proceedings, Thirteenth Annual Conference, (New York, NY: National Center for the Study of Collective Bargaining in Higher Education) 187-204. Retrieved from <http://thekeep.eiu.edu/jcba/pre-2006/13/article.pdf>. A decade later, labor historian Toni Gilpin and her co-authors published a book on the Yale strike. See, Gilpin, T. et al. (1995). *On Strike for Respect: The Clerical and Technical Workers' Strike at Yale University, 1984-1985* (Champaign, Ill.: University of Illinois Press).

<sup>61</sup> Elliott-Negri, Wall to Wall: Industrial Unionism, 156.

<sup>62</sup> Leslie, D. W. (1979, April). Part-Time Faculty in Unionized Colleges, in Levenstein, A. (ed) Landmarks in Collective Bargaining in Higher Education, Proceedings, Seventh Annual Conference (New York, NY: National Center for the Study of Collective Bargaining in Higher Education), 117. Retrieved from: <https://thekeep.eiu.edu/jcba/pre-2006/7/article.pdf>.

between part-time and full-time faculty, unit composition issues, contract provisions, and compensation. A second paper on contingent faculty presented that year was by Karen R. Schermerhorn, a Philadelphia community college faculty president, who reported that the number of part-time faculty at her institution had increased by 394% since 1970.<sup>63</sup> Schermerhorn's 1979 paper was one of the relatively few between 1973 and 1999 that focused on community college experiences despite the high-level of faculty union density in that sector.

In a 1982 conference paper, state university negotiator Nancy I. Hodes candidly acknowledged the financial calculus underlying the increased use of adjunct faculty, some of whom she defined as being independent contractors: they are less expensive, provide institutions with greater flexibility, and help to avoid the “only practical alternative” of laying off tenured faculty.<sup>64</sup> Hodes denied that the growing number of adjunct appointments constituted “a real threat to the job security of full-time academicians.”<sup>65</sup> With respect to collective bargaining, she admitted that “[t]he reality of labor negotiations in higher education is that part-timers—the individuals as well as the ‘issue’—have played only a limited role in the bargaining process” and stated that faculty unions were ambivalent about representing the interests of part-time faculty.<sup>66</sup>

During the same 1982 conference panel, faculty union leader Nuala McGann Drescher presented a research paper analyzing issues associated with the growing numbers of adjunct faculty: their contributions to instruction and their economic exploitation; their subordinate status, exclusion from governance, and lack of offices; their haphazard hiring and scheduling; their role in freeing tenure track faculty to teach advanced courses, research, publish, and mentor; and the disparate impact contingent appointments have on female scholars.<sup>67</sup> In her paper, Drescher used the phrase “academic gypsies,” to describe adjunct faculty who “migrate around the community college circuit” in an unsuccessful effort at attaining a livable wage.<sup>68</sup>

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<sup>63</sup> Schermerhorn, K.R. (1979, April). Adjuncts—Friend or Foe of Faculty Unionization? in Levenstein, A. (ed) Landmarks in Collective Bargaining in Higher Education, Proceedings, Seventh Annual Conference (New York, NY: National Center for the Study of Collective Bargaining in Higher Education), 129. Retrieved from : <https://thekeep.eiu.edu/jcba/pre-2006/7/article.pdf>.

<sup>64</sup> Hodes, N.I. (1982, April). The Use and Abuse of Part-Timers I-Casual Employees Scabs or Saviors? in Douglas, J. (ed.) Campus Bargaining at the Crossroads, Proceedings, Tenth Annual Conference (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions), 56-58. Retrieved from <https://thekeep.eiu.edu/jcba/pre-2006/10/article.pdf>.

<sup>65</sup> Hodes, 59.

<sup>66</sup> Hodes, 60-62.

<sup>67</sup> Drescher, N.M. (1982, April). The Use and Abuse of Part-Timers-II in Douglas, J. (ed.) Campus Bargaining at the Crossroads, Proceedings, Tenth Annual Conference (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions), 65-72, Retrieved from <https://thekeep.eiu.edu/jcba/pre-2006/10/article.pdf>. Unrecognized was the role that inexpensive adjunct labor would play in maintaining the benefits, privileges, and leisure time of tenure track faculty over the decades.

<sup>68</sup> Drescher, 71.

Importantly, Drescher acknowledged that, in general, adjunct faculty did not receive effective union representation and that “[f]ew contracts effectively address the needs of adjuncts; all too often the sanctioned status relegates the necessary protections of part-timers to footnotes to the contract by negotiators on both sides of the table, with the consequence that the dangers and problems inherent in the existence of this large pool are perpetuated and never effectively addressed.”<sup>69</sup>

During the same 1973-1999 period, there were also few conference presentations on collective bargaining issues involving graduate assistants and college staff.<sup>70</sup> The relative inattention given to graduate assistant and staff unionization at the conferences reflected well-known hierarchical biases embedded in higher education and was not due to a lack of relevance. Indeed, unionization of graduate assistants was referenced by speakers at the 1970 conference, the subject was intertwined with faculty unionization efforts at CUNY, Adelphia University, and elsewhere and was the subject of judicial and administrative decisions.<sup>71</sup>

### **Newsletters, Directories, Bibliographies, and Other Publications**

In 1973, the National Center started collecting and analyzing faculty collective bargaining agreements and gathering data on faculty unionization, negotiations, and strikes. The information was maintained in the center’s Elias Lieberman Higher Education Library and formed the bases for the National Center newsletters, directories, and monographs. Those publications remain valuable treasure troves for scholars and practitioners studying historical trends and contemporary issues in faculty collective bargaining.

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<sup>69</sup> Drescher, 69. It was during Drescher’s tenure as president of her statewide faculty union that the exploitation of contingent faculty began to be addressed by that union. Drescher, N.G., William E. Scheuerman, and Ivan D. Steen. (2019). *United University Professions: Pioneering in Higher Education Unionism* (Albany, NY: State University of New York Press), 131-132.

<sup>70</sup> See. Curtis, J. (1994, April). Workers/Teachers/Students: Graduate Student Employee Collective Bargaining at the University of Michigan in Annunziato, A.(ed), *Higher Education Collective Bargaining During a Period of Change*, Proceeding, Twenty-Second Annual Conference (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions), 108-117. Retrieved from <https://thekeep.eiu.edu/jcba/pre-2006/22/article.pdf>; Bucklew, N. (1999, April). Academic Collective Bargaining the University of Wisconsin—Teaching Assistants Association Case Description and Julius, D. The Current Status of Graduate Student Unions: An Employer's Perspective in Naples, C., *Collective Bargaining and Accountability in Higher Education: A Report Card*, Proceedings, Twenty-Seventy Annual Conference (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions), 76-77, 78-96. Retrieved from <https://thekeep.eiu.edu/jcba/pre-2006/27/article.pdf>.

<sup>71</sup> Aronin, Remarks of Louis Aronin, 9; Hixson, R (1970, May 1). Problems in Negotiating for Professors, 2 National Conference on Negotiations in Higher Education, National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City; Herbert, W.A. and Joseph van der Naald. (2020). "A Different Set of Rules? NLRB Proposed Rule Making and Student Worker Unionization Rights," *Journal of Collective Bargaining in the Academy*: Vol. 11, Article 1. Retrieved from <https://thekeep.eiu.edu/jcba/vol11/iss1/1>.

From 1973 to 1996, the National Center regularly published a newsletter with original research and analysis.<sup>72</sup> The first edition of the newsletter summarized recent decisions by the National Labor Relations Board (NLRB) and included the first iteration of a National Center directory listing existing faculty collective bargaining agents and contracts in the United States.<sup>73</sup> The second newsletter analyzed negotiated grievance-arbitration procedures applicable to discrimination issues in over a hundred contracts. It also included a bibliography of articles concerning affirmative action and gender equality in higher education.<sup>74</sup>

Over the next 23 years, the bimonthly newsletter included studies of categories of contract clauses, articles on mediation and arbitration, and analyses of data on faculty unionization, election outcomes, and strikes, along with legislative and decisional updates. For a decade following the Supreme Court's 1980 decision in *National Labor Relations Board v. Yeshiva University*,<sup>75</sup> the newsletter published a series known as YeshivaWatch, which analyzed data and case law concerning the decision's impact on faculty unionization at private institutions. Within months of the court decision, the center lengthened its name to the "National Center for the Study of Collective Bargaining in Higher Education and the Professions."<sup>76</sup> Subsequent efforts at developing a shorter center name, with a pronounceable acronym instead of NCSCBHEP, have been unsuccessful.<sup>77</sup>

A final National Center newsletter at Baruch College was published in the Fall 2000. It included the inaugural Albert Shanker Lecture given by AFL-CIO President John J. Sweeney at the National Center's 28<sup>th</sup> annual national conference earlier that year along with a short tribute to Shanker, who had passed away in 1997.<sup>78</sup>

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<sup>72</sup> National Center newsletters and an index of articles and tables are electronically available thanks to Booth Library at Eastern Illinois University: [https://thekeep.eiu.edu/ncscbhep\\_newsletters/](https://thekeep.eiu.edu/ncscbhep_newsletters/).

<sup>73</sup> National Center for the Study of Collective Bargaining in Higher Education Newsletter. Sept/Oct. 1973, Vol. 1, No. 1 retrieved from [https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1001&context=ncscbhep\\_newsletters](https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1001&context=ncscbhep_newsletters).

<sup>74</sup> National Center for the Study of Collective Bargaining in Higher Education Newsletter. Nov/Dec. 1973, Vol. 1, No. 2. Retrieved from [https://thekeep.eiu.edu/ncscbhep\\_newsletters/3](https://thekeep.eiu.edu/ncscbhep_newsletters/3).

<sup>75</sup> 444 U.S. 672 (1980). National Center for the Study of Collective Bargaining in Higher Education and the Professions Newsletter. Sept/Oct. 1980, Vol. 8, No. 3. Retrieved from [https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1079&context=ncscbhep\\_newsletters](https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1079&context=ncscbhep_newsletters).

<sup>76</sup> National Center for the Study of Collective Bargaining in Higher Education and the Professions Newsletter. Sept/Oct. 1980, Vol. 8, No. 3. Retrieved from [https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1079&context=ncscbhep\\_newsletters](https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1079&context=ncscbhep_newsletters).

<sup>77</sup> See, June, A. W. (2008, April 7). "An Alternative to NCSCBHEP: Union Research Center Seeks Shorter Name," Chronicle of Higher Education; Troop, D. (2008, Nov. 28). "What's in a Name? Letters, and Lots of 'Em," Chronicle of Higher Education. "National Center" remains the center's preferred shortened name, rather than being referred to by the unpronounceable acronym.

<sup>78</sup> National Center for the Study of Collective Bargaining in Higher Education and the Professions Newsletter. (Fall 2000). Vol. 25, No. 1. Retrieved from [https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1032&context=ncscbhep\\_newsletters](https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1032&context=ncscbhep_newsletters).

From 1974 to 1998, the National Center published an annual directory of faculty collective bargaining agents and contracts in higher education. The initial directories identified each institution with a collective bargaining relationship, the institution type, the bargaining agent's national affiliation, and the expiration date of the most recent contract.<sup>79</sup>

Subsequent directories also included the date of initial bargaining agent certification or recognition, unit type, the number faculty represented in the unit, the number of campuses covered by the agreement, summaries of representation election results, Canadian faculty bargaining unit data, and statistical analyses. In 1991 and 1995, the National Center also published directories of bargaining agents for non-faculty, staff, and graduate assistants in higher education.<sup>80</sup> The final three annual directories in 1996, 1997 and 1998 were researched and published under the supervision of Cornell University Professor and Director of Labor Studies Richard Hurd.

Other important center publications during the Baruch College era were bibliographies on collective bargaining which were published from 1973 to 1997. Each bibliography contained references to books; journal and newspaper articles; research reports; court, administrative, and arbitral decisions; and legislation.

During the first decade of publication, the bibliographies reported on materials relevant to faculty and non-faculty in higher education. Following the *Yeshiva University* decision, materials in the bibliographies began to include literature related to the unionization of professionals. Separate bibliographies were also published on sex discrimination in higher education and the professions as well as excellence and compensation in higher education.

Lastly, the National Center also published a book by Bernard Mintz on CUNY's experience with collective bargaining,<sup>81</sup> and monographs on subjects like bargaining over

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<sup>79</sup> See, *Directory of Contracts and Bargaining Agents in Institutions of Higher Education*, (April 1976) (New York, NY: National Center for the Study of Collective Bargaining in Higher Education) Retrieved from <https://www.hunter.cuny.edu/ncsbhep/assets/files/directory%20april%201976.pdf>; *Directory of Contracts and Bargaining Agents in Institutions of Higher Education* (April 1, 1977) (New York, NY: National Center for the Study of Collective Bargaining in Higher Education). Retrieved from <https://www.hunter.cuny.edu/ncsbhep/assets/files/directory-april-1977.pdf>.

<sup>80</sup> Graduate assistant unionization was also the subject of a 1994 National Center newsletter article. Annunziato, F. R. "Graduate Assistants and Unionization" in National Center for the Study of Collective Bargaining in Higher Education and the Professions Newsletter. (1994, Apr/May). Vol. 22, No. 2. Retrieved from [https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1042&context=ncsbhep\\_newsletters](https://thekeep.eiu.edu/cgi/viewcontent.cgi?article=1042&context=ncsbhep_newsletters).

<sup>81</sup> Mintz, *Living with Collective Bargaining*.

workload and productivity,<sup>82</sup> along with a compendium of select contract clauses about faculty discipline.<sup>83</sup>

### **National Center History: A Rebirth at Hunter College, 2002-2023**

#### **New Leadership and a New Institutional Home: Hunter College**

In 2001, York College professor and former PSC leader Richard J. Boris was appointed as the new National Center Executive Director. He inherited a moribund center with one employee, Beth Hillman Johnson, and major financial problems caused by Baruch College's disinvestment. The college was unilaterally reallocating non-tax levy funds raised by the center, the center's research and publications had grounded to a halt, and the 2000 and 2001 annual conference agendas were substantively modest.

Upon his appointment, Boris began work at rejuvenating the National Center and stabilizing the Board of Advisors, tasks made more challenging in the aftermath of September 11th. Due to the consequences of the terrorist attack, the National Center did not convene a national conference in 2002.

A key turning point in the National Center's history was the July 2002 agreement by CUNY Vice Chancellor for Academic Affairs Louise Mirrer and Hunter College President Jennifer J. Raab to transfer the National Center to Hunter College with specific commitments for office space and funding. The agreement resulted in the center moving its offices, files, and copies of its publications to Hunter College.

On March 30-April 1, 2003, the National Center held its first conference since its transfer to Hunter College. The conference theme was Collective Bargaining: Yesterday, Today, and Tomorrow. In that year, Michelle Savarese was hired as the National Center's administrator and began to recreate a database and new lines of communications with faculty union and administrator representatives.

With strong consistent support from Hunter College President Raab, the National Center began to thrive again. In 2004, Boris contributed an article on collective bargaining to the journal *New Directions for Community Colleges*,<sup>84</sup> and continued work on restoring the National

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<sup>82</sup> Douglas, J.M., Loren A. Krause, and Leonard Winogora. (1980). *Workload and Productivity Bargaining in Higher Education*, Monograph #3 National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>83</sup> Selected Contract Clauses: The Discipline of Faculty. (April 1986). National Center Archives, Archives & Special Collections, Hunter College Libraries, Hunter College of the City University of New York, New York City.

<sup>84</sup> Boris, R. (2004, Spring). "Collective Bargaining and Community Colleges," *New Directions for Community Colleges*, No. 125 (Wiley), 41-49.

Center's programming and reputation. The latter task was greatly assisted by a revitalized and active Board of Advisors, which continues to meet twice a year. This led to annual conferences attracting a greater number of attendees.

The National Center began work in 2004 and 2005 on a survey of institutions and unions for purposes of collecting data for a new directory of collective bargaining agents and contracts in higher education, which was published in 2006: *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education*.<sup>85</sup> In the same year, annual conference proceedings began to be electronically published by the Eastern Illinois University's Booth Library.

In 2009, the National Center launched this peer-review journal in collaboration with Eastern Illinois University and a TIAA grant. The *Journal of Collective Bargaining in the Academy* has become an important means for the National Center to fulfill its research mission. Under the co-editorship and contributions by outstanding scholars and practitioners, the journal has published annual issues with research articles, op-eds, and practitioner perspectives for over a dozen years.

In 2010, the National Center began circulating another survey to institutions and unions to collect updated data on collective bargaining which resulted in publication of a new directory in 2012, edited by Joe Berry and Michelle Savarese.<sup>86</sup> Due to non-responses to the survey from administrators and faculty unions, the 2012 directory relied upon data from the 2006 and 1998 directories for over 100 bargaining units.<sup>87</sup>

### **The National Center's Next Chapter: A Return to the Future**

Richard Boris resigned as Executive Director in 2013. Thanks to his leadership and the foundation he helped to rebuild during his tenure, the National Center has continued to grow and change with a continued balance of administrator and union voices.

Following his resignation, a research agenda for the National Center was announced in this journal.<sup>88</sup> The article flagged new unionization efforts by contingent faculty and graduate assistants as ripe subjects for future research and conference programming.<sup>89</sup> In particular, it identified the methodology of "each organizing campaign, the response by the respective

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<sup>85</sup> Moriarty, J. and Michelle Savarese. (2006). *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education* (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions.).

<sup>86</sup> Berry, J and Michelle Savarese. (2012). *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education* (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions). Retrieved from: <https://www.hunter.cuny.edu/ncscbhep/assets/files/NCSCBHEP%202012%20Directory%208-15-12%20RC2.pdf>

<sup>87</sup> Berry and Savarese, iv-v.

administration, the composition of the units sought and obtained, the level of support from tenured faculty members and others.”<sup>90</sup> It expressed an intent to explore other ways the center can “function as incubator and producer of new scholarship” with the help of student internships.<sup>91</sup> Student intern assignments would include assisting with data collection and digitizing National Center historical materials. Readers were also informed of plans to use “technological means for electronically distributing written updates on new developments from around the country with respect to collective bargaining and labor relations issues.”<sup>92</sup>

In 2014, a new monthly electronic newsletter was launched, modeled on the former print newsletter published during the Baruch College era. Each electronic newsletter includes information about pending representation cases, election results, new certifications, and summaries of judicial and administrative decisions and legislation. Thereafter, the National Center joined Twitter, with some trepidation, to distribute news and information to a broader audience. It also assigned student interns to begin digitizing the former print newsletters and conference proceedings, which are now available online along with an index of the newsletters.<sup>93</sup>

Over the past nine years, National Center researchers and student interns developed a database of new bargaining agents and relationships in higher education using information from filings made by unions and institutions to labor relations agencies and from agency decisions and websites. The change in research methodology was responsive to the difficulties in getting survey responses from institutions and unions for the 2012 and 2006 directories and by the rapid growth in new faculty unionization efforts, particularly among non-tenure track faculty. The document-based approach resulted in more immediate, detailed, and accurate information about new bargaining units.

The new database includes the institution name and type, bargaining agent and affiliation, ballot tallies, unit size, specific unit description, date of certification or recognition, contract ratification and expiration dates, along with electronic copies of negotiated agreements. The collection of agreements is tied to an aspiration to build, with needed additional external funding, an online contract library like the hard copy one that had been maintained at Baruch College.

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<sup>88</sup> Herbert, W. A. (2013). "Shelter from the Storm: Rekindling Research on Collective Bargaining and Representation Issues" *Journal of Collective Bargaining in the Academy* Vol. 5, Iss., 1, 3. Retrieved from <https://thekeep.eiu.edu/jcba/vol5/iss1/2/>.

<sup>89</sup> Herbert, "Shelter from the Storm," 3-4.

<sup>90</sup> Herbert, 4.

<sup>91</sup> Herbert, 2-3.

<sup>92</sup> Herbert, 3.

<sup>93</sup> National Center Newsletters, *Journal of Collective Bargaining in the Academy*. Retrieved from [https://thekeep.eiu.edu/ncscbhp\\_newsletters/](https://thekeep.eiu.edu/ncscbhp_newsletters/).

The information in the new database formed the basis for the National Center's 2020 supplementary directory of new collective bargaining relationships involving faculty, post-doctoral scholars, and graduate assistants, which also includes links to current contracts.<sup>94</sup>

Another part of the center's renewed research has been collecting strike data and submitting comments in response to proposed rulemaking by labor relations agencies. In 2019, National Center researchers published an analysis of higher education strike data for the 2012-2018 period and contextualized its analysis with prior scholarship for the 1996-1994 period, published during the Baruch College era.<sup>95</sup>

In the same year, the center submitted comments to the NLRB concerning that agency's proposed rule on the employee status of graduate assistants.<sup>96</sup> The comments included history and data relating to graduate assistant collective bargaining with links to and analysis of existing negotiated agreements. The National Center responded last year to proposed procedural rules by PERB with respect to its private sector jurisdiction. The center suggested an alternative administrative approach that was supported by data and precedent.<sup>97</sup>

Central to the growing revitalization of the National Center's research have been the contributions of affiliated researchers, York College Assistant Professor Jacob Apkarian and CUNY doctoral student Joseph van der Naald. Each has helped to maintain and analyze the collective bargaining and strike data collected since 2014 and has been a co-author of certain journal articles and book chapters published by the National Center's current executive director. In addition, they have been co-presenters of the center's research findings at academic and organizational conferences around the country.

In 2020, the National Center began plans for an electronic academic collective bargaining survey to obtain current data and contracts from institutions and unions for a new directory. The

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<sup>94</sup> Herbert, W.A., Jacob Apkarian, and Joseph van der Naald., J. *2020 Supplementary Directory of New Bargaining Agents and Contracts in Institutions of Higher Education, 2013-2019* (New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions). Retrieved from <https://www.hunter.cuny.edu/ncscbhep/assets/files/SupplementalDirectory-2020-FINAL.pdf>.

<sup>95</sup> Herbert, W.A. and Jacob Apkarian. (2019). "You've Been with the Professors: An Examination of Higher Education Work Stoppage Data, Past and Present" *Employee Rights and Employment Policy Journal* Vol. 23 Iss. 2, 249 – 277. Retrieved from [http://works.bepress.com/william\\_herbert/43/](http://works.bepress.com/william_herbert/43/).

<sup>96</sup> Proposed Rule FR 2019-20510. (2019, November 20). Comments to the National Labor Relations Board by the National Center for the Study of Collective Bargaining in Higher Education and the Professions. Retrieved from [https://www.hunter.cuny.edu/ncscbhep/assets/files/2019\\_Comments%20by%20the%20National%20Center%20for%20the%20Study%20of%20Collective%20Bargaining%20in%20Higher%20Education%20and%20the%20Professions-%20NPRM%20FR%202019-20510.pdf](https://www.hunter.cuny.edu/ncscbhep/assets/files/2019_Comments%20by%20the%20National%20Center%20for%20the%20Study%20of%20Collective%20Bargaining%20in%20Higher%20Education%20and%20the%20Professions-%20NPRM%20FR%202019-20510.pdf).

<sup>97</sup> Proposed Rule No. PRB-01-22-00006-P. (2022, March 3). Comments to the Public Employment Relations Board by the National Center for the Study of Collective Bargaining in Higher Education and the Professions. Retrieved from [https://www.hunter.cuny.edu/ncscbhep/ncscbhep/assets/files/National%20Center%20Comments%20to%20PERB%20on%20Proposed%20Rule%20Changes%203.3%20Submission.pdf?preview\\_mode=true](https://www.hunter.cuny.edu/ncscbhep/ncscbhep/assets/files/National%20Center%20Comments%20to%20PERB%20on%20Proposed%20Rule%20Changes%203.3%20Submission.pdf?preview_mode=true).

survey was also designed to gather copies of agreements related to COVID-19 workplace issues for use in future scholarship. There was an ill-fated hope that the use of modern research software would lead to greater cooperation from administrators and faculty representatives than had been experienced in the data collection leading up to the 2012 and 2006 directories.

The electronic survey began to be distributed in 2021, and the center later assembled a research team composed of staff, affiliated scholars, CUNY doctoral and graduate students, and Hunter College undergraduates. The research team's persistence overcame the passive and active resistance to the survey from administrators and labor representatives. In the end, the team's hard work resulted in a 95.5% survey response rate and the collection of contracts for 92.3% of academic labor collective bargaining relationships.

At present, the team is in the process of cleaning and organizing the current data collected for virtually every academic labor bargaining unit in the country, which will form the basis of a new directory. It is anticipated that with additional funding and better labor-management cooperation, the center will be able to return to more regular publication of updated directories.

Over the past decade, the annual conferences have had greater diversity of speakers covering a wider variety of topics. While the agendas have included traditional conference subjects, a greater emphasis has been placed on issues about non-tenure track faculty and graduate assistants. In addition, the interdisciplinary breadth and contemporariness of the conferences have expanded with newer scholars and scholars of color presenting fresh research or discussing their new books. Revenue from conference sponsorships and program advertisements have helped to finance the center's revitalized research.

Conference panels in the past decade have examined such topics as: the impact of COVID-19 on higher education; the history of higher education, labor, and civil rights; social unionism and bargaining for the common good; racial equity in higher education; affirmative action; the Equal Rights Amendment; the student debt crisis; unemployment compensation for contingent faculty; collective bargaining issues at religiously-affiliated institutions, historically black colleges and universities, and post-secondary minority servicing institutions; Catholic social teachings on labor; faculty unionization in Puerto Rico, Brazil, the Philippines, and Australia; Latinx faculty negotiations, recruitment and retention; mass incarceration and higher education; the Black Lives Matter movement on campus; and LGBTQ labor issues on campus.

Since 2014, the National Center has posted audio and video recordings of conference presentations on its website. In 2017, it offered its first webinar on immigration issues in collaboration with CUNY Citizenship Now and New York Law School. With the onset of the pandemic in 2020, the center's programming went virtual with a wide range of conference panels and standalone webinars that are available on its website. The most recent webinar was held in

March 2022 on race, history, and academic freedom with speakers from Hunter College, the University of Florida, Cornell University, University of Cincinnati, and Rutgers University.

Besides continuing the tradition of convening annual conferences, the National Center has restored the practice of regional programming. In 2017 and 2019, it held conferences in Long Beach, California, co-sponsored by California State University. The regional conferences attracted many attendees who generally do not attend the annual conferences in New York.

The National Center's history came full circle when it co-sponsored a program in 2017 with PERB celebrating the Taylor Law's 50<sup>th</sup> anniversary and helped to organize a statewide PERB conference the following year. For most of the center's history, PERB chairpersons have been members of the Board of Advisors, and agency staff have presented at annual conferences. In 1978, PERB Chairperson Harold Newman was the conference keynote speaker. The Taylor Law anniversary events, however, were the first National Center-PERB programming collaborations since their 1972 workshop on grievance and arbitration.

### **Conclusion**

This article has provided a brief overview of the National Center's creation and evolution over the past half-century. Through the years, the National Center has remained a unique CUNY labor-management research center, even as its priorities, methods, and leadership have changed. It attracts labor and management practitioners and scholars who share an interdisciplinary interest in studying best practices in collective bargaining, the historical framing of relevant issues, legal and legislative developments, and public support for higher education. A key source of guidance and ideas is its labor-management Board of Advisors, which has been expanded to include representatives from private institutions and non-traditional education unions like SEIU, UAW, and AFSCME.

Since its revitalization at Hunter College, the National Center has expanded its research and programming and given more attention to issues relating to contingent faculty and graduate assistants. Following the publication of a new directory, the next step will be engaging in more research and programming relating to collective bargaining involving non-professional campus staff.

The National Center was founded on a stated principle of neutrality concerning collective bargaining with a primary focus on tenured and tenure-track faculty. At the time, there were concerns by administrators and some faculty that the adoption of an "industrial model" of collective bargaining was inconsistent with shared governance and the education mission. To a large extent, those concerns have become moot based on decades of experience in collective

bargaining and the increased use of the traditional private sector business model in higher education.

Experiences in negotiations over the decades, along with the radical restructuring of academic labor, has resulted in changes to the center's perspective. Today's mission statement recognizes that unionization is "a form of workplace democracy" and "that collective bargaining is an important means for advancing higher education and the working conditions at colleges and universities as well as other industries." Moreover, it states that "study of collective bargaining is essential for a knowledge-based dialogue concerning labor-management and educational issues, and is critically important for reasoned societal debate that will lead to social progress."<sup>98</sup>

As CUNY Chancellor Félix V. Matos Rodríguez stated last year, the National Center remains "a respected national leader in bringing labor leaders, scholars, and administration representatives together to deepen understanding and enhance the effectiveness of labor relations in higher education," that "enhances our collective ability to do that important work and unites us in our educational mission."<sup>99</sup>

The need for principled labor-management discussions in safe space and new research are more important now than ever. A new generation of campus administrators and labor advocates are taking on leadership positions on campuses throughout the country during an era of expanded unionization efforts by faculty, graduate assistants, and undergraduate student employees. Many new leaders lack knowledge and experience in collective bargaining during these perilous times when higher education, academic freedom, and democracy itself, are under attack. The ongoing political assault on higher education necessitates that current and future leaders have access to and mentoring from those who came before. Contemporary challenges cannot be adequately addressed through presentism or the presumption of higher education exceptionalism.

The National Center will play an important role in bridging existing generational and informational gaps through its conferences, workshops, webinars, and publications. To be more effective, there will be a need for broader outreach to all higher education institutional types, unions, and occupations beyond academic labor.

After a half-century, the National Center remains ready and able to meet the challenges ahead. Since its move to Hunter College in 2002, the center has flourished again thanks to the support from CUNY and Hunter College leadership, the foundational rebuilding led by Richard Boris, the guidance from its Board of Advisors, the hard work of National Center researchers, staff, and interns, and the examples set a long time ago by prior center leaders and staff.

<sup>98</sup> Mission, National Center for the Study of Collective Bargaining in Higher Education and the Professions, Retrieved from <https://www.hunter.cuny.edu/ncscbhep/mission>.

<sup>99</sup> Matos Rodríguez, F.V. (April 11, 2022) in 2022 National Center Conference Program, 3. Retrieved from <https://www.hunter.cuny.edu/ncscbhep/assets/files/2022%20Conference%20Program.pdf>.

