Universities Must Continue to Bargain

Thomas J. Kriger

Faculty with collective bargaining rights across the nation will—and should—agree with Daniel Julius’s conclusion that “College and university leaders should continue to honor collectively negotiated agreements maintaining relationships with faculty unions.” When implemented correctly, these agreements, as Julius points out, serve the interests of both faculty and administrators. Such agreements codify and protect due process rights for both sides. They also provide both faculty and administrators with a level of predictability and stability in labor relations that are necessary on today’s complex and hectic campuses. While I agree with almost everything Julius has written here, there are a number of additional reasons, which Julius doesn’t consider, for universities to continue to bargain. These reasons, which I explain below, are rooted in the larger forces shaping higher education.

First, the many areas upon which we agree. Julius is correct in pointing out that the early fears over the unionization of the faculty were overblown. Faculty unions, for example, have worked to co-exist and cooperate effectively with faculty governance bodies. In fact, faculty unions have provided crucial support at times for senate initiatives, particularly in those states where senates are organized within major universities, because unions have their own financial support and independent organizations.

Faculty unions have also enhanced institutional prestige. At the State University of New York, leaders of the faculty and professional staff union, United University Professions, negotiated a special labor-management fund to support younger faculty who were women and people of color, for the purposes of enhancing their prospects for tenure. And faculty unions, contrary to Julius’s conclusion, have brought higher salaries for those faculty and professional staff at colleges and universities with collective bargaining rights. There are a number of research studies that confirm that unionized faculty at comparative institutions earn higher salaries than their non-unionized counterparts.

Perhaps most importantly, Julius is right on target when he points out that faculty unions have partnered with management in fighting what he perhaps understates in describing as “substantive cuts to universities hurting students and the public.” These battles in state legislatures across the country are, in fact, recurring skirmishes in a long fought war over the

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defunding of public higher education. This war represents the largest threat to access and quality in the American academy today. In Florida, California, New Jersey and many other states, faculty unions from all sectors of public higher education have partnered effectively with campus leaders in efforts to preserve and protect institutional quality and student access. In many cases faculty unions stepped up when public system trustees abdicated their fiduciary responsibilities.

Yet there are other important reasons that Julius does not enumerate for colleges and universities to continue to bargain. These are rooted in the larger forces shaping higher education today. Chief among these is accreditation. As many higher education leaders will attest, the Department of Education is imposing their own agenda on American higher education, using the understaffed regional accrediting agencies as their shock troops in this process. Many parts of the Department’s agenda—a focus on student learning assessment that is overly quantitative and disrespectful if not dismissive of faculty prerogatives, an attempt to punish bad actors in the for-profit sector in ways that treats other institutions as collateral damage—have had a negative impact on both faculty and campus managers alike.

One only has to read the rapidly expanding list of institutions that were put on warning or probation in the last year by the regional accrediting agencies. These judgments, some of them warranted, some perhaps not, highlight the need for coordinated efforts between administrators and faculty to respond to an increasingly intrusive educational agenda that has been imposed on colleges and universities in heavy handed ways. Faculty in particular should pay close attention to the Department’s agenda, because it impacts both terms and conditions of employment and other more traditional faculty rights.

Technological change represents another front where collective bargaining can contribute meaningful solutions. Faculty unions have embraced technological change, and they have worked closely with campus managers in helping to define standards of good practice in the implementation of distance learning and other forms of technological innovation. There are numerous examples of labor-management cooperation that has preserved faculty prerogatives and also allowed institutions to use technology to achieve efficiencies, maintain high standards and offer greater student access.

Dan Julius is quite correct in concluding that universities should continue to bargain. I would add that they must. The stakes are simply too high today and the external threats—whether from hostile or indifferent state legislators, from beleaguered regional accreditors or from the imperatives of technological change—are too important for faculty or administrators to go it alone.