

# Research in Review

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## *The Potential Impact of Collective Bargaining on the Faculty's Role in College and University Governance*

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The governance of colleges and universities today is characterized by conflict and controversy that has been accurately described by W. B. Martin:

On the campuses, many administrators are feeling the need for a clarification of their roles and "sufficient power" to carry out their responsibilities, some faculty seem to be losing influence in the formulation of policies that formerly were delegated to them, and others are moving aggressively to improve their influence. Recent challenges to the concept of academic freedom and tenure appear to be expressions of the former development, while the rise of faculty unionism may be evidence of the latter . . . students, no less than administrators or faculty, are by their unwillingness to conform to traditional governance patterns. . . . Meanwhile, in the general society, and within the constituencies of both public and private educational institutions, there is sentiment in favor of changes that would make policies and practices more accountable to external interest groups.<sup>1</sup>

The philosophical justifications for collegiality involving faculty participation in institutional decision-making have been expressed by many authors.<sup>2, 3, 4</sup> What each is saying in a different way is that faculty participation in academic governance is complementary, as a right and duty, to teaching and research, and must be undertaken to uphold academic purposes and professional autonomy.

Traditionally, most institutions of higher education have been in accord with these views and their faculty members have generally manifested a universal concern and a claim to comprehensive competence in a wide range of matters of institutional policy and administration. The role of the faculty in the governance of col-

leges and universities has largely, although to varying degrees, been operational in institutions of higher education. However, recent developments in the area of higher education have created a situation that challenges and necessitates some changes in this previously prescribed role of faculty with regard to a system of governance. The Carnegie Commission in its report, *Governance of Higher Education*, delineated several of the developments that have contributed to the present situation. These are: (a) higher education has moved from a system of educating the elite toward one of universal access; (b) poor job market for Ph.D.'s; (c) rapidly declining enrollment levels; (d) severe financial situation facing higher education; (e) the existence of larger and more complex campuses; (f) more active students; (g) conflict of faculty members as to the purposes of academic life; (h) more intense public interest in higher education; (i) more aggressive public authority exercised over higher education; (j) a general reduction in the acceptance of authority; (k) a reduction in the sense of loyalty to institutions; and (l) more concern with individual rights and less with the welfare of the institution.<sup>5</sup>

<sup>1</sup> W. B. Martin. *Governance—for What?* Berkeley, California: Center for Research and Development in Higher Education, 1970. p. 27.

<sup>2</sup> Ralph S. Brown. "Rights and Responsibilities of Faculty." *AAUP Bulletin*. Summer 1966. p. 131.

<sup>3</sup> Harold W. Dodds. *The Academic President-Educator or Caretaker*. New York: McGraw-Hill Book Co., 1962. p. 97.

<sup>4</sup> Sanford H. Kadish. "The Strike and the Professoriate." *AAUP Bulletin*. Summer 1968. p. 161-62.

<sup>5</sup> The Carnegie Commission on Higher Education. *Governance of Higher Education*. p. 8-9.

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In response to these uncertainties, faculties are engaging and have engaged in collective bargaining and faculty unions. It is the opinion of the writers that the faculty's belief is that collective bargaining is a system that can provide them with certain guarantees in this situation of uncertainty. They believe that collective bargaining and unionization is a means of increasing faculty participation in decision-making, asserting professional power in an area where they feel they are losing to outside forces, (for example, statewide coordinating boards), as well as guaranteeing them increases in salaries and fringe benefits.

The relatively short history of collective bargaining and unionization in higher education will bear out certain advantages that the system has had, and will illuminate some of the potential dangers of the system.

In the area of salary increases and fringe benefits, it is generally true that faculty at institutions that are unionized have higher pay scales and more liberal fringe benefits.<sup>6</sup> This is well illustrated by a recent study on faculty salaries in the State of Michigan, which revealed that seven out of the ten highest paying institutions of higher education were colleges that were unionized.<sup>7</sup> It is felt by some, however, that not all of these increases are attributable to collective bargaining, but were warranted in any case.<sup>8</sup>

However, in each institution that engages in collective bargaining, a gain in a given area is always accompanied by a loss in another area. The system of collective bargaining is by design a vehicle used for the resolution of interest disputes between *employer* and *employee* by the process of compromise. Benjamin Aaron has made the following comment with respect to collective bargaining, "In the area of collective bargaining, there is no black and white. It is all gray."<sup>9</sup> What he is referring to is the fact that collective bar-

gaining requires and demands compromise by both parties if a viable agreement is to be reached.

The tone of the language of collective bargaining as well as its implications leads one to ask very seriously how collective bargaining and unionization will affect the collegiality of institutions of higher education.

In order to answer or attempt to answer this question, we must understand what a contract encompasses and how these areas of negotiations can affect the traditional governance system. The definition of collective bargaining, which has become the model in most state labor relations statutes and which defines the areas of negotiation, is found in the National Labor Relations Act. It states:

For purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.<sup>10</sup>

The key term in this definition is "conditions of employment." This greatly influences the circumstances that lead the faculty to opt for collective bargaining. The danger involved here, as

<sup>6</sup> Carol H. Shulman. *Collective Bargaining on Campus*. Washington, D.C.: American Association for Higher Education, 1972. p. 17.

<sup>7</sup> William Boyd. "Collective Bargaining in Academe: Causes and Consequences." *Liberal Education* 57:310; October 1971.

<sup>8</sup> Carol H. Shulman, *op. cit.*, p. 17.

<sup>9</sup> Fred J. Lorenz. "Collective Bargaining in Higher Education." *The Journal of College and University Personnel Association* 23(1):33; December 1971.

<sup>10</sup> *Ibid.*, p. 33.

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Ralph S. Brown points out, "is that negotiations on clearly bargainable matters will lead to negotiations on matters of educational policy"; thus what used to be faculty jurisdiction will be absorbed into the collective bargaining process. Brown illustrates this process with the following example:

First the matter of salaries is linked to workload; workload is then directly related to class size; class size to the range of offerings; and range of offerings to curricular policy. Dispute over class size may also lead to bargaining over admissions policies.<sup>11</sup>

Matthew Finkin's survey of the actual impact of collective bargaining on traditional university government documents this type of overlap or "absorption," as he lists intrusions into faculty or senate jurisdiction in the presently operative bargaining agreements.<sup>12</sup>

The literature indicates that it is not always possible to keep the traditional means of faculty governance, such as academic senates, in collective bargaining agreements. *The Chronicle of Higher Education* reports that many state labor laws require that the union be the exclusive agent for the bargaining unit and that management cannot negotiate with any other group.<sup>13</sup>

In addition, it is significant to note that, while AAUP's *Policy on Representation of Economic and Professional Interest*<sup>14</sup> could possibly provide an effective model for collective bargaining, which would retain the traditional grievance system, only 28 of the 212 institutions of higher education where faculty members have named agents to represent them in collective bargaining have chosen AAUP.<sup>15</sup> What this implies is that faculties believe, perhaps naively, that they will reinforce traditional prerogatives by contractual guarantee, thereby strengthening their power. The other collective bargaining agents, the American Federation of Teachers (AFT) and the National Education Association (NEA), which represent the

majority of faculty, are divided on the question of faculty senates. Views within each organization differ from campus to campus. Some locals have tried to keep their faculty senates intact. Other union leaders have criticized senates as ineffective, slow-moving, and captives of college administrations.<sup>16</sup>

It is the opinion of the writers that once academic matters such as academic freedom, tenure, governance, appointments, and so on, are included in a contract as bargainable items, the chances are greater that they will become the trade-offs for economic gains. It seems unrealistic to many that academic and economic issues can adequately be separated.

It appears that faculty, when they choose to engage in collective bargaining, are acting under a certain set of assumptions. The first of these is that the administration is an adversary. This assumption seems to be based on the belief that administration is relatively unaffected by the economic and political pressures exerted from external influences that the faculty are affected by. This is not, however, the reality of the situation. Administration, perhaps more than faculty, is

<sup>11</sup> Ralph S. Brown. "Collective Bargaining in Higher Education." *Michigan Law Review* LXVII (5):1075; March 1969.

<sup>12</sup> Matthew Finkin. "Collective Bargaining and University Government." *AAUP Bulletin* 57:149-62; Summer 1971.

<sup>13</sup> Philip W. Semas. "Faculties at the Bargaining Table." *The Chronicle of Higher Education* VIII (10):10; November 26, 1973.

<sup>14</sup> "Policy on Representation of Economic and Professional Interests." *AAUP Bulletin*. Winter 1969. p. 489-91.

<sup>15</sup> National Center for the Study of Collective Bargaining in Higher Education. "212 Colleges and Universities Faculties with Collective Bargaining Agents." *The Chronicle of Higher Education* VIII (10):8; November 26, 1973.

<sup>16</sup> Philip W. Semas, *op. cit.*, p. 9.

concerned about the declining enrollments, the severe financial situation and the declining institutional independence caused by increasing influence and control of the state and federal governments. As a result of these pressures, administration is being held more accountable. The security of their jobs and the degree to which they participate in decision-making is also affected.

The second assumption that faculty make, when they elect to participate in a system of collective bargaining, is that the administration is not concerned with their problems and they must therefore engage a third party, the bargaining agent, to negotiate for them. This assumption is the most serious for it undermines the whole

philosophy of collegiality and shared decision-making. In addition, it brings in a third party, the bargaining agent, who for the most part has no direct stake in the comprehensive process; and, therefore, his role in representing the faculty at the bargaining table should be seriously considered.

It is the opinion of the writers that the two assumptions referred to above are misconceptions caused to a large degree by the uncertainties and pressures that faculty, administration, and higher education in general are experiencing. Additionally, the writers believe that, if not properly handled, collective bargaining and unionization will only serve to enlarge the conflict between faculty and administration and will, perhaps, be the demise of a system of governance based on the principles of collegiality and professionalism of the several groups that comprise the college family. [E]

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