

Organizing University Faculty for Collective Action in the U.S.

Organizing University Faculty for Collective Action in the US: Corporatization, a Divided Professoriate, and the Possibility of Community

Mark B. Ginsburg and Philip K. Wion

Introduction

College and university faculty in the United States are much less likely to join unions or engage in other forms of collective action than their counterparts in other societies (Ginsburg, 1995). This is especially true for faculty in research universities. For example, although US professors have bargained collectively for thirty years, and despite the fact that approximately 25 percent belong to unions (Aronowitz, 1997), only three of the 60 “research-oriented” US institutions in the Association of American Universities (AAU) have faculty unions.

In this article we present a brief history and analysis of efforts to organize faculty at the University of Pittsburgh (efforts in which we played active roles). Our analysis will identify some of the reasons why organizing faculty at such institutions has proved so difficult.

Historical and Conceptual Issues

During both the colonial era and the early independence period (until about 1830) higher learning in America was pursued primarily in undergraduate colleges created, maintained, and controlled by religious groups and modeled after colleges in England. These colleges were “small, face-to-face communities” (Carnegie Foundation for the Advancement of Teaching, 1990), and relations among faculty members and their employers were typical of those in what Tonnies (1887, 1957) termed *gemeinschaft* communities, in which social relations are characterized by informality and consensus. It was rare for faculty members in these early colleges to exercise an independent role, either individually or collectively, in determining the missions and policies of their institutions.

With the rise of large-scale capitalist industrialization, institutions developed in the US which emulated the German university model, emphasizing research and graduate programs. Emerging in the nineteenth century and becoming dominant in the twentieth, these institutions came to be less like their predecessors and more like what Tonnies termed *gesellschaft* communities, in which social relationships are relatively formal, contractual, impersonal, and specialized. In the period of the rise of these universities, from about 1880 to 1930, faculty autonomy did not significantly increase. Instead, religious hegemony was replaced by a secular form, as owners and managers of capitalist corporations came to dominate boards of trustees in both private and public institutions of higher education (Barrow, 1990; Veblen, 1918, 1965).

During this period professors, pursuing a general strategy adopted by many groups of educated workers, engaged in a project of professionalization, designed to establish or protect

Organizing University Faculty for Collective Action in the U.S.

their “monopolies of competence” in relation to corporate capital and the state (not to mention individual consumers or clients), and thereby to enhance their status, autonomy, and remuneration (Larson, 1977). One element of this project was the appropriation and promulgation of an ideology of professionalism. In many versions this ideology was institutionalized in “professional associations” which took pains to distinguish themselves from “labor unions,” identified with lower status workers (Ginsburg et al., 1980). The project of professionalization also entailed increased specialization, and thus fragmentation, of the academic profession (Clark, 1987).

The 1930s and ‘40s were decades of “increasing recognition of faculty as professionals . . . reflected in their increasing [consultative] role in institutional decision-making” (Finkelstein, 1984, p. 28). One of the principal movements during this period that served to unite faculty – or at least mobilize them in a more collective way – focused on questions of tenure and academic freedom, although there were differences of view even on this matter (Barrow, 1990). Efforts by the professoriate in the US to put in place a system of tenure to protect academic freedom and assure some economic security met with considerable success on many campuses after the American Association of University Professors (AAUP) and the Association of American Colleges adopted, in 1940, a joint “Statement of Principles on Academic Freedom and Tenure” (Metzger, 1987; Tierney, 1997).

The 1950s, ‘60s, and ‘70s were perhaps a relatively “golden” age for faculty autonomy and authority (Cowley, 1980). The three decades after World War II were also a period in which universities received large sums from government for research related not only to national defense but also to economic development, as “knowledge [became] a key productive force” in private industry (Aronowitz, 1997, p. 189). This infusion of funds helped to direct the interest of university faculty toward their role as researchers and away from their role as teachers, even as the system of higher education in the US was rapidly expanding, in terms of the number and diversity of both institutions and students (Sommer, 1995). Meanwhile, faculty differentiation was increasing, both vertically – in terms of rank, tenured and non-tenured status, full- and part-time employment – and horizontally – in terms of professors’ identification with increasingly specialized disciplines and professional fields (Finkelstein, 1984; Metzger, 1987). Salary differentials among disciplines also began to increase significantly (Hammermesh, 1988, p. 20).

Since the early 1980s, challenges to professors’ authority and autonomy have intensified as US universities have become increasingly “capitalized” or corporatized (Barrow, 1990; Beverley, 1982). This occurred as institutions established more direct working relations with business and industry, in part because “new antitrust laws . . . made it possible for corporations to fund precompetitive and generic research” (Slaughter and Leslie, 1997, p. 7) and to an even greater extent because reductions in federal and state funding intensified pressures on universities to obtain financial resources from the private sector (Aronowitz, 1997). Many observers have viewed recent developments as increasing the extent to which both public and private universities are subject to market mechanisms (Slaughter and Leslie, 1997) and to “restructuring, reengineering, rightsizing, downsizing, and a host of other organizational changes [derived from] the corporate world” (MacTaggart, 1996).

Organizing University Faculty for Collective Action in the U.S.

Organizing Faculty: the Pitt Case in National Context

This discussion should help to contextualize efforts both to organize faculty unions – vehicles for collective bargaining regarding “wages, hours and other terms and conditions of employment” – and to mobilize faculty for collective action on other issues not normally treated as bargainable. Here we will sketch the history of such efforts at the University of Pittsburgh over the past thirty years, relating the Pitt case to those of similar institutions of higher education in the US.

Phase One: 1969-76

Beginning in the late 1960s professors at increasing numbers of institutions sought to form unions and engage in collective bargaining. This movement emerged in response to a slowing of salary increases, “attacks on tenure, attempts to increase teaching loads, to limit outside income from professional activity, to reduce the availability of sabbatical leaves, . . . and to reduce faculty control of the work environment” (Garbarino, 1973, p. 8). Efforts to organize were facilitated when 1) “President Kennedy signed a landmark 1962 executive order introducing collective bargaining for federal employees . . . [and] state and local governments outside southern and blatantly anti-union states followed with similar laws and administrative edicts” (Aronowitz, 1997, p. 184), and 2) a 1969 decision of the National Labor Relations Board (NLRB) extended “the protective features of the Wagner Act to collective bargaining in private colleges and universities” (Metzger, 1987 p. 176). It is also important to note that in 1972 the AAUP voted “to pursue collective bargaining as a major additional means of realizing the Association’s goals in higher education” (Metzger, 1987, p. 173), joining the American Federation of Teachers (AFT) and the National Education Association (NEA) in supporting union organizing drives.

The majority of the 504 unions through which faculty now bargain collectively on 1,115 US campuses (Hurd, et al., 1996) were organized during the first decade of faculty unionization, roughly from 1968 to 1978. At Pitt, this first phase culminated in a representation election conducted by the Pennsylvania Labor Relations Board (PLRB) in 1976. (Having been transformed from a private to a “state-related” university in 1966, Pitt came under state, rather than federal, jurisdiction.)

Full-time faculty began organizing informally at Pitt in the late 1960s. When Pennsylvania passed a Public Employee Relations Act (PERA) in 1970, the group stepped up its activities, becoming a full-fledged AFT local in 1975.

From the start, efforts to bring about a collective bargaining election ran into trouble over the issue of definition of the bargaining unit. The Pennsylvania law stipulates that the employees in an appropriate bargaining unit must have an “identifiable community of interest,” but it also forbids “over-fragmentation.” A petition for an election filed by the AFT group in 1974 led to the longest, most complicated unit hearings ever conducted by the PLRB. In the end, the Board rejected the Pitt administration’s argument for a single “wall-to-wall” unit and instead defined

Organizing University Faculty for Collective Action in the U.S.

five separate bargaining units, explicitly giving considerable weight to the “community of interest” criterion.

The results of the 1976 election were complex. No election was held in the Dental school unit, as no organization petitioned. “No agent” won easily in Law and in the Health Sciences unit. The outcome in Medicine was perhaps unique in the history of bargaining in American higher education: Pitt’s Medical faculty signaled their understanding of their common interest by electing an independent local organization whose platform was a pre-emptive commitment not to bargain a contract.

In the “Provost’s area” (the largest and most complex unit), a 51.6% majority voted for one or another of the three contending organizations (AAUP, AFT, and NEA), forcing a run-off between the AFT local and “No agent.” An attempt at coalition between the AFT local and the AAUP chapter failed, and “No agent” won the run-off election, 60% to 40%.

Much of the debate during the 1976 campaign focused on questions of “shared governance.” The competing organizations argued that bargaining would strengthen the faculty’s role in governance by giving contractual status to agreements and procedures. The administration and anti-union faculty argued that collective bargaining would replace existing “collegial” relations (institutionalized in the University Senate) with an “adversarial” relationship that would endanger professional standards and academic excellence. They also raised the specter of “external influence and control” by union staff and lawyers. Such arguments resonated not only with those who voted “No agent” in the first round, but also with many who initially supported the AAUP, many of whose members saw a fundamental incompatibility between their self-identification as academic professionals and the AFT’s identification with the labor movement and its perceived emphasis on economic issues.

Phase Two: 1977-91

In 1982, in line with efforts underway nationally to reduce self-defeating competition among the AAUP, AFT, and NEA (Finkelstein, 1984), members of Pitt’s AFT and AAUP locals voted to merge as the United Faculty of the University of Pittsburgh (UF). The new organization had little trouble collecting cards calling for another election. More and more faculty saw their interests as jeopardized by worsening economic conditions and by an administration increasingly regarded as secretive and authoritarian. Not just the required 30%, but a majority of the full-time faculty in the Provost’s area unit signed UF cards, and a petition was filed in January, 1984.

But a speedy election was not to be. The administration took advantage of recent developments to challenge the 1976 definition of the bargaining unit, on two grounds. First, since the Board was now giving higher priority to the criterion of “over-fragmentation” than to “community of interest,” the administration argued for an even broader “wall-to-wall” unit than before, one which would include not only all schools of the University but all part-time as well as full-time faculty. After extensive hearings, in October of 1985 the Board’s examiner

Organizing University Faculty for Collective Action in the U.S.

expanded the unit as the administration had requested, except for the School of Medicine (whose certified bargaining agent was upheld, even though it had never negotiated a contract).

The administration then mounted its second challenge, based on the US Supreme Court's controversial 1980 *Yeshiva* decision, which denied faculty at Yeshiva University the right to bargain under federal law on grounds that they were "managers" rather than "professional employees" (Finkelstein, 1984; Metzger, 1987). This decision had brought faculty organizing to a halt in private colleges and universities. Pitt became the major test case of the *Yeshiva* argument in public sector higher education.

The Board's examiner accepted the administration's argument, excluded full-time faculty as "managers," and ordered an election in a residual unit of part-time faculty. This election was held in December 1987, but its outcome was in dispute until ballot challenges were resolved in May of 1989, when the Board determined that the UF had won, with a 54% majority.

The UF was unable to implement this victory for part-time faculty, however, for this was the point in the legal proceedings to appeal the ruling excluding full-time faculty as "managers." Failure to do so would have meant accepting a disastrous precedent, both for Pitt and for other public sector institutions in Pennsylvania and across the country.

In November 1990 the Board ruled in favor of the UF's appeal, reinstated full-time faculty in the bargaining unit, and ordered a new election. In its landmark decision, the Board found significant distinctions between faculty roles at Yeshiva and at Pitt, where "faculty members' participation in matters beyond their educational expertise is merely that of an advisory body whose recommendations are considered and often not followed" (PLRB, 1990, p. 522).

A mail-ballot election was scheduled for February-March 1991, leaving little time for active campaigning. The seven-year delay since the 1984 petition had made it difficult to sustain interest, build membership, and develop a sense of common purpose. Leaders of the UF had kept a high profile; they had been active in the University Senate, conducted annual salary surveys, aided individual faculty in academic freedom and tenure cases, produced frequent newsletters and position papers, and developed detailed platform statements on all the key issues which would be addressed in a contract. But UF membership remained limited to a core of the faithful, who were ideologically committed to the labor movement and to ideals of economic equity and participatory democracy, within the academy and beyond.

The outcome of the 1991 election was similar to the results of the 1976 run-off: "No agent" received 63% of the vote, the United Faculty 37%.

From the UF's point of view, the timing of the election was unfortunate, on several counts. First, after nearly 25 years in office Pitt's chancellor, Wesley Posvar, had announced his intention to resign, amid growing discontent with his leadership. Faculty had the option of attributing their frustrations to the chancellor's personal style, rather than to the structural

Organizing University Faculty for Collective Action in the U.S.

imbalance of power between faculty and administration. Second, “coincidentally” just prior to the Labor Board ruling, the administration had announced plans for an unusually high (7.5%) salary increase. Third, a bitter strike by faculty at Temple University in the fall of 1990 allowed the opposition to play upon the worst fears of the effects of unionization.

Perhaps the greatest obstacle to success in this election, however, was the lack of a sense of community of interest – or feelings of solidarity -- among different subgroups of faculty within this large, complex institution. The administration and anti-union faculty pursued a “divide and conquer” strategy. They argued that the interests of various subgroups were incompatible, pitting full-time faculty against part-time, tenure-stream against non-tenure stream, main campus against regional campuses, Arts and Sciences against professional schools, and playing upon the fears of each that it would be in a minority and in contract negotiations its particular interests would be subordinated to those of some other group.

The UF’s analysis of voting patterns (based on extensive polling by phone) suggested that at Pitt, as elsewhere (Finkelstein, 1984), support for a union was strongest among the “have-nots,” opposition strongest among the “haves.” For example, support appears to have been considerably stronger among part-time than among full-time faculty; at the regionals than at the main campus; in the humanities and social sciences than in the natural sciences; in Education, Public and International Affairs, and Social Work than in Business, Engineering, and Law; in Nursing and the Dental school than in the other Health Science schools; among librarians than among faculty in the School of Library and Information Science.

Phase Three: 1991-96

The timing of the 1991 election turned out to have been unlucky for those who wanted a union in another respect. In the months following the election, a series of scandals involving the out-going administration came to light, including the fact that at Pitt (as at Stanford and many other major universities) hundreds of thousands of dollars in administrative expenditures had been improperly charged to research overhead (including \$37,000, in one year, paid to the law firm hired to oppose the UF’s organizing campaign). And almost immediately upon his arrival in July 1991, the new chancellor, J. Dennis O’Connor, began to alienate faculty (and others), with ill-considered decisions to spend large sums to refurbish the chancellor’s office and residence and to celebrate his own installation.

Under these circumstances, the United Faculty saw hope for yet another attempt to achieve collective bargaining. The organization continued to offer an independent faculty voice and vehicle for collective action. For example, the UF collected over 4,200 faculty, staff, and student signatures in support of “Right-to-Know” legislation requiring fuller financial disclosure by state-related universities, and UF officers played leading roles in developing a new, more open and participatory Planning and Budgeting System and a new salary policy (which included key elements of the UF’s platform).

Organizing University Faculty for Collective Action in the U.S.

The UF also provided leadership in faculty efforts to support and protect the academic freedom of a Pitt faculty member, Dr. Herbert Needleman, who was accused (by two non-Pitt researchers with funding ties to the lead industry) of “scientific misconduct in connection with a landmark study, published in 1979, on the effects of low-level lead exposure on human development” (“Scientific Integrity,” p. 1389). Despite the fact that a government investigation had found no merit in similar charges against Needleman in the 1980s, and the fact that Needleman had not been at Pitt when he undertook the research, the administration decided to investigate the “scientific misconduct” charges again. Faculty leaders (UF and non-UF) contested this decision, supported Needleman’s demand that the hearings be conducted in public, and pressured the administration to publicize the results of the hearings, which cleared Needleman of the charges.

In the spring of 1995, disaffection with the O’Connor administration further increased when the chancellor announced a unilateral decision to change faculty and staff health benefits by dropping a popular HMO option – a decision which flew in the face of strong feelings expressed through the University Senate, a joint faculty-administration committee, a UF-led petition campaign, and the administration’s own survey of faculty and staff.

When, shortly thereafter, the trustees forced O’Connor to resign, having lost confidence in him (as had most other constituencies at the University), the UF launched a new card campaign. The timing of the campaign kick-off seemed all the more auspicious when the next day the chancellor announced a salary freeze, side-stepping the planning and budgeting process as he did so. O’Connor’s “golden handshake,” announced in May, seemed to most faculty outrageously generous, under the circumstances.

By the middle of the fall term, the UF had collected cards from well over the 30% of the unit necessary to petition for an election. However, by the April 1996 anniversary of the start of the campaign, it was clear to UF leaders that the goal of a majority was unattainable, and the campaign was suspended.

Conclusion

If the complex history of efforts to unionize faculty at Pitt can be organized around a single theme, it might be the difficulty of achieving agreement among faculty as to what their “community of interest” might be. The story we have told suggests that organizing faculty – at least through the vehicle of a faculty union – requires a more favorable national and local climate and/or more creative forms of organizing, to overcome the economic, disciplinary, status, and ideological divisions among faculty in such complex institutions. Perhaps the PLRB was right when it argued in 1976 that the various “communities of interest” identified with different academic divisions at the University of Pittsburgh “can never really be merged” and that it would therefore be “impossible for a single bargaining representative to adequately and successfully represent all of these various interests in a single bargaining unit” (PLRB, 1976, p. 25).

Organizing University Faculty for Collective Action in the U.S.

Rather than accepting this conclusion as inevitable, however, we would make the following points. First, we have witnessed instances (e.g., when health care benefits were threatened, or when a faculty member's academic freedom was being attacked) in which Pitt faculty did unite and engage in collective action.

Second, disciplinary specializations and hierarchical divisions among faculty, while obviously socially constructed and sustained by members of the professoriate, arise at least in part because of the ways in which boards of trustees, administrators, and faculty have sought to maneuver in the context of powerful US and global political and economic dynamics. This suggests that the challenge of organizing university professors may be even greater than generally recognized, requiring that efforts be made to engage faculty more fully in dialogue and action that goes beyond the walls – whether ivy-covered or not – of the university (Beverley, 1982; Ginsburg, 1995).

Third, it may be that a new, “postmodern” notion of community (Young, 1990) should guide attempts to organize university professors. It might be argued that much of the rhetoric of the UF's organizing effort was based on a critique of individualism and the instrumentalist relations associated with the *gesellschaft* form of community that has increasingly come to characterize at least research universities in the US. This critique had some currency among our colleagues, but the rhetoric employed by UF leaders (ourselves included) may have been interpreted by some as mere yearning for a return to a *gemeinschaft* type of community. Skeptical colleagues, understanding that this type of community assumes frequent face-to-face interaction, may have regarded it as an unrealistic goal. Recognizing that the idea of a union posits the existence of a “community of interest,” they may also have felt that whatever common interests were shared by all members of the bargaining unit were likely to be imposed by others or by circumstances, rather than actively affirmed, and would override differences in situation and “culture” they regarded as important.

Finally, it must be recognized that dissatisfaction with the status quo – which was widespread and deep at Pitt throughout these three decades – does not automatically translate into support for institutional change. Opponents of collective bargaining often dismissed the idea of a faculty union as “just another layer of bureaucracy,” and scoffed at the idea that a union might be able, through democratic processes, to represent diverse groups fairly and to reconcile conflicting interests in pursuit of an identifiable common good. The challenge confronting those of us who have not abandoned hope for this democratic project is formidable indeed, not just at research universities but throughout the society in which they are so deeply embedded.

References

Aronowitz, Stanley (1997) “Academic Unionism and the Future of Higher Education.” Pages 181-214 in Cary Nelson (ed.) *Will Teach for Food: Academic Labor in Crisis*. Minneapolis: University of Minnesota Press.

Organizing University Faculty for Collective Action in the U.S.

Barrow, Clyde (1990) *Universities and the Capitalist States: Corporate Liberalism and the Reconstruction of American Higher Education, 1894-1928*. Madison, WI: University of Wisconsin Press.

Beverly, John (1982) "Higher Education and Capitalist Crisis." Pages 100-120 in Charles Derber (ed.) *Professionals as Workers: Mental Labor in Advanced Capitalism*. Boston: G.K. Hall.

Carnegie Foundation for the Advancement of Teaching (1990) *Campus Life: In Search of Community*. Princeton, NJ: Princeton University Press.

Clark, Burton (1987) *The Academic Life: Small Worlds, Different Worlds*. Princeton, NJ: The Carnegie Foundation for the Advancement of Teaching.

Cowley, W. H. (1980) *Presidents, Professors, and Trustees: The Evolution of American Academic Government*. San Francisco: Jossey-Bass.

Finkelstein, Martin (1984) *The Academic Profession: A Synthesis of Social Scientific Research Since World War II*. Columbus, OH: Ohio University Press.

Garbarino, Joseph (1973) "The Emergence of Collective Bargaining." Pages 1-19 in E. D. Duryea, Robert Fisk and Associates (eds.) *Faculty Unions and Collective Bargaining*. San Francisco: Jossey-Bass.

Ginsburg, Mark (1995) *The Politics of Educators: Work and Lives*. New York: Garland.

Ginsburg, Mark, Meyenn, Robert, and Miller, Henry (1980) "Teachers' Conceptions of Professionalism and Trades Unionism: An Ideological Analysis." Pages 178-212 in Peter Woods (ed.) *Teacher Strategies*. London: Croom Helm.

Hammermesh, Daniel (1988) "Salaries: Disciplinary Differences and Rank Injustices," *Academe* 74 (3): 20-24.

Hurd, Richard and Foerster, Amy, with Johnson, Beth Hillman (1996) *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education*. Volume 22. New York: National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, CUNY.

Larson, Magali (1977) *The Rise of Professionalism: A Sociological Analysis*. Berkeley: University of California Press.

MacTaggart, Terrence (1996) "Restructuring and the Failure of Reform." Pages 3-15 in Terrence MacTaggart (ed.) *Restructuring Higher Education: What Works and What Doesn't in Reorganizing Governing Systems*. San Francisco, CA: Jossey-Bass.

Organizing University Faculty for Collective Action in the U.S.

Metzger, Walter (1987) "The Academic Profession in the United States." Pages 123-208 in Burton Clark (ed.) *The Academic Profession: National, Disciplinary, and Institutional Settings*. Berkeley: University of California Press.

PLRB (Pennsylvania Labor Relations Board) (1976) In the Matter of Employees of University of Pittsburgh of the Commonwealth System of Higher Education, Volume 7 *P.P.E.R.*, pp. 21-27.

PLRB (Pennsylvania Labor Relations Board) (1990) In the Matter of the Employees of University of Pittsburgh, Volume 21 *P.P.E.R.*, pp. 519-24.

"Scientific Integrity: Panel Clears Needleman of Misconduct." *Science* 256 (5 June 1992): 1389.

Slaughter, Sheila and Leslie, Larry (1997) *Academic Capitalism: Politics, Policies, and the Entrepreneurial University*. Baltimore, MD: Johns Hopkins University Press.

Sommer, John (1995) "American Higher Education: State of the Art and Art of the State." Pages 1-13 in John Sommer (ed.) *The Academy in Crisis: The Political Economy of Higher Education*. New Brunswick, NJ: Transaction Publishers.

Tierney, William (1997) *Promotion and Tenure: Community and Socialization in Academe*. Albany, NY: State University of New York Press.

Tonnies, Ferdinand (1887, 1957) *Community and Society (Gemeinschaft and Gesellschaft)*. Translated by Charles Loomis. East Lansing, MI: Michigan State University.

Veblen, Thorstein (1918, 1965) *The Higher Learning in America: Memorandum on the Conduct of Universities by Business Men*. New York: Augustus M. Kelley Booksellers.

Young, Iris Marion (1990) "The Ideal of Community and the Politics of Difference." Pages 300-323 in Linda Nicholson (ed.) *Feminism/Postmodernism*. New York: Routledge.

– Manuscript prepared for special issue of *Contemporary Education* on "Teachers' Unions" (Summer 1998)