

# COLLECTIVE BARGAINING



*Less than a year after its founding, the Association grappled with the question of whether it should expand its mission from investigating and publicizing abuses in academe to using collective action to remedy those abuses. The movement toward collective bargaining stalled for half a century, until a changing climate in higher education required the Association to make a decision.*



*William MacDonald, writing in The Nation in 1915, saw the situation as follows:*

The question now is whether or not the Association, numbering a charter membership of 862 professors from sixty-one institutions, and already well organized for investigation, publication, and protest, ought at its next meeting to go further, and organize its forces for the positive redress of grievances. I am aware that any allusion to the principles or methods of unionism is pretty certain to suggest a procedure widely believed to be foreign to the professional habit, and out of harmony with the dignity and restraint long associated with the occupation of university teaching. . . . Yet it is not putting the case too strongly to say that the American professorial world is characterized to-day by profound and increasing dissatisfaction, suspicion, and unrest; that the grievances of university professors are fundamental and real; that the situation as to the efficiency of university education is threatened by the continuance of untoward conditions which are in no way inherent in a healthy academic life, and which it is within the power of the organized professorate to remedy if it will.

*William MacDonald, "Shall Professors Form a Union?" The Nation, 25 November 1915, pp. 621-22.*



*Here are a few early dissenters:*

There [were] a good many expressions of the undesirability of an Association whose main purpose should be militant or controversial. . . . The feeling, or fear, that the Association might be formed in something of the spirit of trade-unionism seemed to be hard to dispel. . . . It will be important to put forward as leaders some of the older men, if possible, and men who command the confidence of even the more cautious of our colleagues.

*J.E. Creighton letter to A.O. Lovejoy, November 6, 1913.*

The discussions. . . have been so humiliating, intellectually and morally, that I have already lost something of previous pride in my profession. The discussions seem to imply that our calling. . . is something quite other than "a noble profession"; it seems rather a trades union, squabbling unreasonably for power and for limitation of work and responsibility. There seems to have been a most successful effort, however unconscious, to demonstrate beyond all cavil that we are "hired men" as narrow and selfish and as neglectful of the interests of the profession and the common good as any other class of "hired men."

*Letter from K.C. Chamberlin of the University of Chicago to John Dewey and A.O. Lovejoy, December 3, 1914.*

The situation in which our own profession finds itself is. . . radically different from that with which labor unions are organized to deal. For the funds out of which we are supported do not initially accrue to the persons who legally administer the corporations by which we are employed. . . . Almost universally, members of the bodies administering the funds of educational institutions are in fact, as they are in theory, economically disinterested. . . collaborators in the business of the advancement of learning and the improvement of teaching.

*A.O. Lovejoy, "Professional Association or Trade Union?" AAUP Bulletin, May 1938, p. 412.*



*In the late 1960s, a time of increasing labor unrest on campuses, the Association cautiously began to approach the possibility of collective bargaining. In 1965-66, the Association debated a special committee's proposed statement on the role of chapters as exclusive bargaining agents (see box, next page). The Council approved the statement on May 1, 1966. Clyde Summers provided the following analysis:*

The Association is confronted with the practical problem of how it shall respond to a march of events over



which it has little control. The question is what a local chapter should do when other organizations seek to transpose to college faculties principles of collective action applicable to industry and commerce. . . . The Committee's proposal, quite simply, is that when confronted with this prospect, a chapter may compete in the election and seek to become the exclusive representative. . . .

The question confronting the Association is not whether it shall become a "union," or whether it shall engage in "collective bargaining," for to cast the issue in those terms is to submit to the tyranny of labels. The proposed statement makes as plain as words permit that the Association shall continue, and with all means at hand, to assert and implement its historic role as a community of scholars in which all faculty shall participate through democratic structures of university government.

*"Background and Analysis Statement," AAUP Bulletin, Summer 1966, pp. 230-32.*



**Yet the Special Committee's statement did have its detractors:**

**I**t is necessary to register a vigorous dissent. . . . Our objection is one of basic principle. The notion of collective bargaining, supported by most of us in the industrial context, is wholly inappropriate in the academic situation. A university is not a corporation in which the interest of labor and management are opposed, a zero-sum arrangement in which one group gains only at the expense of the other. On the contrary, trustees, regents, and board members have nothing to gain by depressing our salaries.

The AAUP. . . has always maintained that the operation of a university is one of shared responsibility. Once an exception is made, no matter how extraordinary the circumstances, the situation is radically transformed into one of antagonistic and even hostile opposition. Once this happens—even once—we become employees of an administration and of a governing board. Once this happens, the administration is no longer working for us, but we are working for it. And this, we submit, is

## Chapters as Exclusive Bargaining Agents

The Association prefers that all faculty members participate in making decisions and protecting their economic interests through structures of self-government within the institution, with the faculty participating either directly or through faculty-elected councils or senates. As integral parts of the faculty, such councils or senates can more effectively and appropriately represent the faculty than any outside organization acting as exclusive representative. It is fundamental, however, that whatever means are developed for representation, the faculty must have a truly effective voice in decisions of the institution and. . . the economic interests of the faculty must be adequately protected and promoted.

If these conditions are not met, and a faculty feels compelled to seek representation through an outside organization, the Association believes itself, by virtue of its principles, programs, experience, and broad membership to be best qualified to act as representative of the faculty in institutions of higher learning.

*Special Committee on the Representation of Economic Interests, "Proposed statement of policy on the role of Association chapters as exclusive bargaining agents," approved by Council on May 1, 1966, published in AAUP Bulletin, Summer 1966, pp. 229-230.*

too high a price to pay.

*Robert Bierstedt and Fritz Machlup, AAUP Bulletin, Summer 1966, pp. 232-33.*



**If "collective bargaining" caused some AAUP members to shudder, the word "strike" aroused even more impassioned responses. Addressing concerns raised by a faculty strike at St. John's University, General Secretary William P. Fidler issued the following statement:**

**T**he American Association of University Professors has never looked upon the strike as an appropriate mechanism for resolving academic controversies or violations of academic principles and standards. . . . Accordingly, the Association does not endorse a strike against an academic institution.

*AAUP Bulletin, Spring 1966, pp. 9-10.*

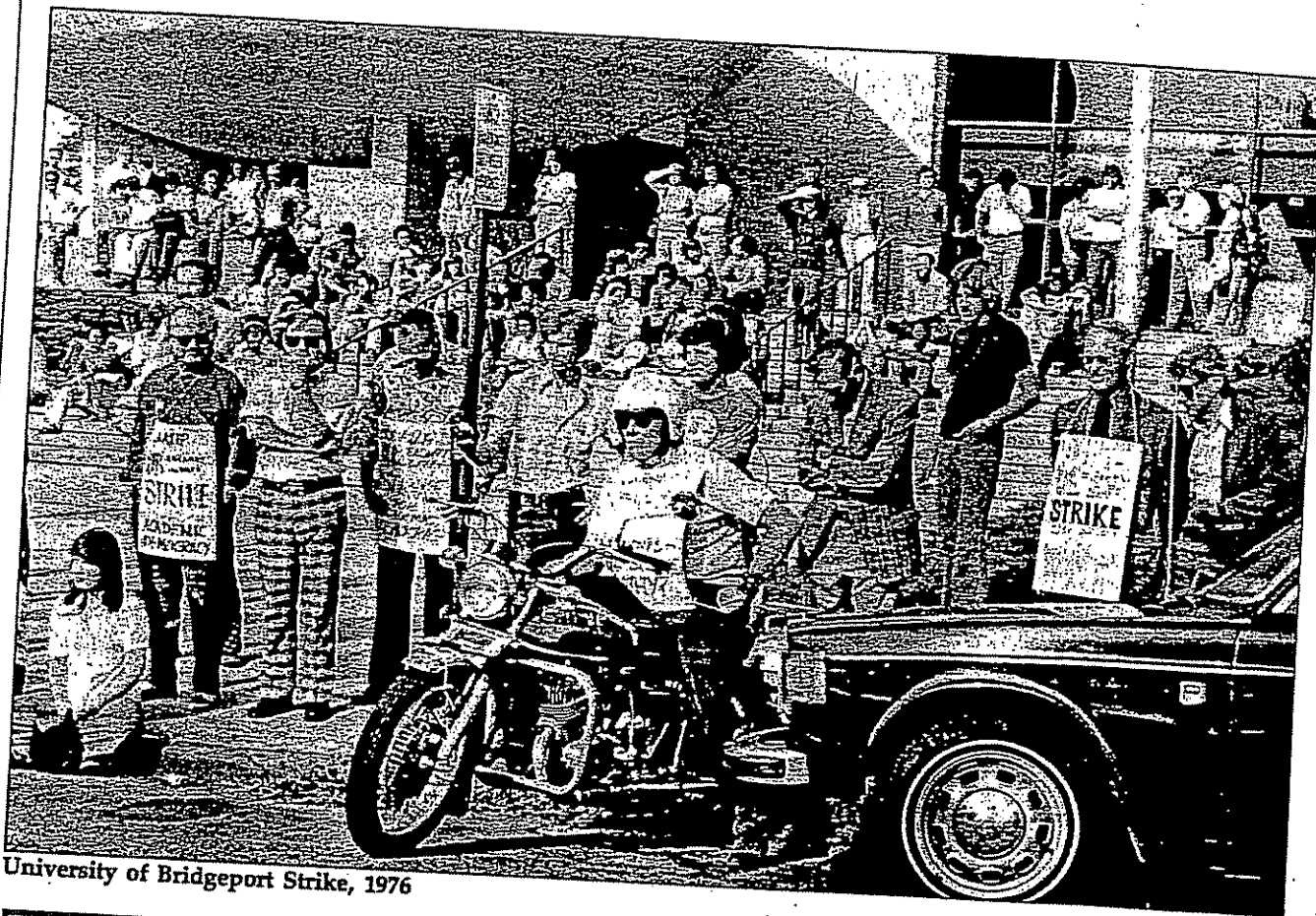


**The subject was debated during the next several years:**

**C**ertainly endorsing the permissibility of striking is not the same as insisting that it be employed. We are an association of individuals and chapters which reflect a wide range of organizational beliefs and convictions. Yet to allow something is not to command that it be used. It is rather to make it possible for a chapter to consider whether, in its own special circumstances, it wishes to make use of an extreme measure when it has encountered extreme conditions. Why should this Association, which is committed to protecting the rights of its members of its members as citizens and as professors, impose restrictions on its members over and above those they assume as citizens? Shall we be an organization dedicated to increasing the range and effectiveness of our action or be the instrument of our own limitation? This is what we are being asked to decide.

*Arnold Berleant, "Letter to the Editor," AAUP Bulletin, Autumn 1967, pp. 345-6.*





University of Bridgeport Strike, 1976

PAUL KALISH

*Finally, in October 1971, the Council adopted the following motion, officially bringing the Association into collective bargaining activity:*

*"The Association will pursue collective bargaining as a major additional way of realizing the Association's goals in higher education, and will allocate such resources and staff as are necessary for the vigorous selective development of this activity beyond present levels."*

*"Council Position on Collective Bargaining," AAUP Bulletin, Spring 1972, p. 52.*

*Excerpts from the official pro and con statements follow:*

**D**ebate on these matters has been confused by a tendency to begin with the premise that the Association must either "get all the way into" or "get all the way out of" collective bargaining. It would seem to me better to avoid such an all-or-none premise. A better strategy for developing policy is

a less polar, more incremental, approach....

It seems to me realistic to suppose that to deny AAUP chapters the authority to seek representation status in collective bargaining might also be to deny important groups of faculty members their best opportunity to achieve sound and effective academic governance. Given the stated objec-

tives of this Association, it must require very strong reasons indeed to justify such denials....

Some of the argument in opposition to AAUP's involvement with collective bargaining has taken the form of a mischievous play upon the words "labor union." The frequently iterated notion is that if some AAUP chapters aspire to and win bargaining rights, the AAUP itself becomes a "labor union"—the implications being that the Association cannot, then, at the same time, be a professional association. These consequences do not follow on the premise.... Rather than transmuted itself into a "union," the AAUP will remain a professional association which simply has added collective bargaining by some of its chapters to its other ongoing professional programs....

*"A Statement in Support of the Council's Position by Professor Carl M. Stevens," AAUP Bulletin, Spring 1972, pp. 54-7.*

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From its beginning in 1915, with its first Declaration of Principles, the AAUP has never affected to seek direct power in the conventional sense. Its principal resource is the academic excellence of its membership and staff. Its principal means is that of careful inquiry and deliberative process....

Once the AAUP becomes substantially and unambiguously involved in competitive collective bargaining, the risk is great that we may see an end to our capacity to make inquiry or investigation into academic freedom and tenure complaints on any campus with a collective bargaining representative other than our own. Our identification as a "rival" union in competition with the recognized bargaining representative works to stop us at the very threshold of inquiry....

It is also clear that the AAUP lacks a reputation for the kind of toughness and belligerency to mount an appeal some will want to consider in electing a bargaining agent as distinct from affiliating with an academic association which historically relies upon inquiry, deliberative processes, mediation, publication, and opinion for its principal influence.... Financially and temperamentally, the AAUP chapter is a most unlikely first preference to succeed in a long series of contested recognition

*A "Statement on Collective Bargaining," later revised, was issued six months later:*

The longstanding programs of the Association are means to achieve a number of basic ends at colleges and universities: the enhancement of academic freedom and tenure; of due process; of sound academic government. Collective bargaining, properly used, is essentially another means to achieve these ends, and at the same time to strengthen the influence of the faculty in the distribution of an institution's economic resources. The implementation of Association-supported principles, reliant upon professional traditions and upon moral suasion, can be effectively supplemented by a collective bargaining agreement and given the force of law."

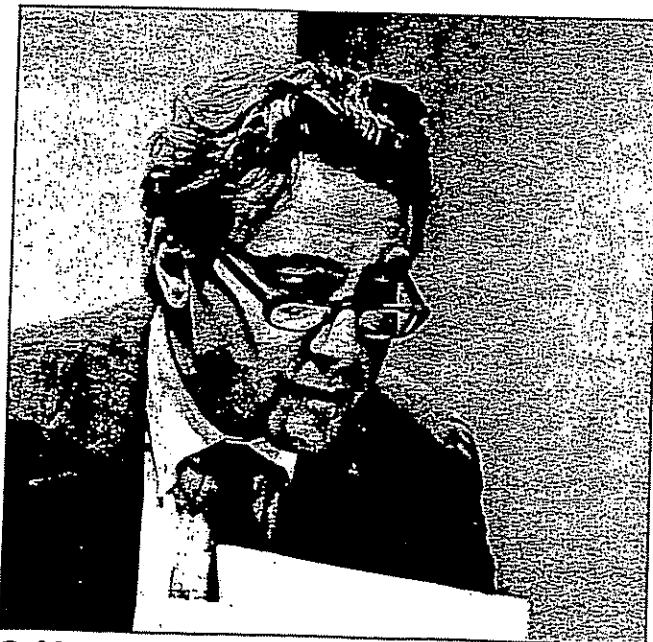
AAUP Bulletin, Winter 1972, p. 423

elections. AAUP's greatest virtues are its greatest handicaps in this kind of enterprise....

We cannot hope to have it both ways: to the extent that the AAUP succeeds as an academic association in maintaining its historic purpose to safeguard the overall integrity of higher education, it must fail in contested elections against competition by unions promising—and being prepared to deliver—more. To the extent that the AAUP would "succeed" in converting

itself into a tough-minded, hard bargaining national labor union, however, it must inevitably fail in what it already does far better than anyone else is prepared or seemingly concerned to do.

*"The Manifest Unwisdom of the AAUP as a Collective Bargaining Agency: A Dissenting View, by Professors Sanford H. Kadish, William W. Van Alstyne, and Robert K. Webb," AAUP Bulletin, Spring 1972, pp. 57-61.*



Carl M. Stevens



William W. Van Alstyne