

Contingent Higher Education Faculty and their Unions in the USA: A very brief summary

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Contingent faculty are now over half of all teachers of college credit courses in the US. If one also counts in noncredit adult education and vocational certificate programs, the contingent percentage rises greatly. Most of the increase has taken place since the 1970's. Contingent faculty (including graduate student employees) are the majority in nearly every subsector of higher education except for private liberal arts colleges, which is a shrinking group. In Ph.D. granting major research universities, most undergrad (pre Bachelors degree) classes are taught by graduate employees, especially in the first two years. In community colleges, the vast majority of teachers are part-time contingents, hired by the course. The fastest growing segment of higher education is the for-profit universities, such as the University of Phoenix, with dozens of campuses all over the nation. Their faculty is almost totally part-time and contingent. Recently, the fastest growing group of faculty has been the full-time non-tenure track, who now make up over half of all the new full-time hires in higher education.

Statistics on Contingent Faculty

The statistics from government sources on contingent faculty rely upon self-reporting by administrators. This source has a strong self-interest. Therefore these numbers are generally of poor quality and reliability. Better statistics are from the local faculty unions representing contingents who count them carefully for organizing and membership purposes. Also, the unions do not have the same self-interest in downplaying the numbers that administrators do.

Nevertheless, at least a rough estimate of unionization rates can be made. Overall, less than 20% are unionized, but the true figure may be much lower. Unionization is concentrated on the coasts, with some clusters in the industrial Midwest. Probably the only state with a majority unionized is California, with virtually all public sector contingent faculty represented. California has a relatively small private sector in higher education (either non-profit or for profit), though that is changing now with the growth of the for-profits, which are nearly 100% unorganized. Other major centers of unionization (and organizing) are Oregon, Washington, Michigan, Illinois, New York, Massachusetts, and much of the Northeast. The East has a much greater percentage of private education, which is virtually unorganized.

Laws Governing Contingent Faculty Representation

Legally, private sector contingents are covered by the National Labor Relations Act (NLRA), passed in 1935 and amended repeatedly, mostly to weaken it, in the years

since. Most private sector tenure track faculty have been judged as outside the Act due to the 1980 Yeshiva Supreme Court decision which declared them managers. Therefore, very few tenure track faculty in private non-profit institutions are unionized. This restriction does not apply to faculty who do not have substantial institutional governance powers and so contingents in private non-profit institutions and all faculty in for-profits can theoretically unionize under the law. Few have. There may be as few as ten bargaining units covering private sector contingent faculty in the entire US, with two of them recently formed in Chicago, where COCAL VI is taking place, Roosevelt and Columbia. Emerson College in Boston also recently organized, as has New York University and New School University.

Public sector institutions are governed by state laws for collective bargaining and vary from it being forbidden for a public institution to sign a binding collective contract (South Carolina) to states where there is no law at all (many in the West and South) to states where there is an enabling law of some sort. There is some organizing and representation in all these contexts, but concentration is greatest where there is an enabling law and it clearly covers all contingents, such as in California. Some other state laws allow only tenure track faculty to bargain under them, some exclude a portion of contingents, and others vary in wild diversity. Most laws are based to some degree on the NLRA, but are generally more restrictive as to scope of bargaining and often limit the right to strike. Perhaps only half of the states, at most, have truly free and open legislation enabling full contingent collective bargaining. The result is that many faculty contracts cover only the tenure track faculty and partial units, covering only a minority of contingents, are common in some states, such as Illinois. In both the public and private sectors, bargaining is local, not national, though "local" may mean state-wide in the case of statewide university systems.

Range of Contract Protection Achieved

Nationally, the best contracts for contingents tend to be in areas of strongest unionization generally and also in bargaining units where tenure track and contingent faculty are together. However, some joint units also have the worst contingent provisions due to deep divisions on some campuses between the two groups and the complete control of the local unions by the tenure track faculty.

Three Major Unions

Organizationally, there are three traditional major unions among all faculty, with some others entering the field over the past 15-20 years. The American Federation of Teachers (AFT/AFL-CIO) is perhaps the largest in higher ed and certainly the largest among contingent faculty. It has also been the most active recently in organizing in this sector, in both private and public institutions. It also has many of the largest joint (tenure track-contingent) bargaining units, representing all faculty in both the City

University of New York and State University of New York systems as well as the largest US community college district, Los Angeles. It is the largest union in the entire California Community College system, where its locals represent thousands of part-timers in joint units. AFT also is the union that has taken the lead in organizing graduate employees, building upon a base created back in the 1960's and 1970's. AFT also represents a considerable number of classified workers in higher ed. It is the only traditional education union affiliated with the AFL-CIO, where it is now one of the largest affiliates.

The independent, unaffiliated National Education Association (NEA) is an even larger union overall. Like the AFT, it is mostly comprised of K-12 public school teachers, but with a substantial higher ed segment as well. Historically (pre1970's-80's) NEA opposed unionism in favor of a more collegial, "professional" approach reflecting its historical origins as national and state lobbying organization in favor of public education generally. As such it was formerly controlled by administrators and education professors, but underwent a massive shift in the 60's-80's under pressure from the AFT and the rise of teacher unionism. Now NEA locals bargain for many faculty, including in the massive California State University system (CSU) (California Faculty Association, CFA) in a combined unit which is affiliated with NEA, American Association of University Professors (AAUP), and the Service Employees International Union (SEIU/AFL-CIO). NEA locals are more commonly tenure track only and NEA generally has not been as active in organizing contingent faculty, though Illinois, Massachusetts, and Washington (jointly with AFT) have been active spots. While AFT locals and state organizations vary in their attitudes toward contingents, and in other respects, NEA state and local bodies are even more varied. NEA does not presently organize grad assistants and has generally been very limited in their private sector work. NEA also represents some classified workers in some states. Higher ed is a much smaller part of the NEA overall than it is of the AFT. That is reflected in the leadership and allocation of resources internally. AFT and NEA have recently cooperated in some areas in higher ed, including contingent organizing, such as Washington State, but have also competed such as in Illinois community colleges.

The American Association of University Professors (AAUP) shares with NEA a heritage of being a professional association, not a union, but in their case of college teachers. As the original definers of tenure and academic freedom in higher education, AAUP has a substantial historical legacy. In recent years, many of its local bodies have chosen to become collective bargaining agents such that a majority of AAUP members today are in bargaining units, though the national still does not see itself primarily as a union. AAUP, with its much smaller resources, has made substantial efforts toward contingent faculty, both in its jointly affiliated California Faculty Association and in the Boston area, where it sponsored both the organizing at Emerson College and the metro strategy effort symbolized by Boston Coalition of Contingent Academic Labor (COCAL). AAUP also represents an old and important unit of contingents at Rutgers,

the state university of New Jersey, as well as some others nationally. Historically AAUP has had proportionately more members in private non-profit higher ed, in contrast to AFT and NEA.

Other Unions

In recent years, a number of nontraditional unions have come to organizing among contingent faculty, especially grad employees. By far the most significant has been the United Auto Workers (UAW/AFL-CIO), who have organized major grad units in the University of California system, University of Massachusetts, and more recently in the private sector at Columbia University and New York University (NYU). UAW has recently achieved recognition for non-grad contingents at NYU and is fighting a major battle at the New School at the present time. After some competition with AFT in New York, UAW and AFT have signed an agreement to not compete in organizing the same units there.

Other non-education unions have organized scattered units, such as the Hotel Employees and Restaurant Employees (now merged with the historic garment and textile union to become UNITE-HERE/AFL-CIO) which has been fighting to gain recognition for the grads at Yale university for over a decade. HERE represents the blue and white collar workers there as well. United Electrical Workers (UE, independent) organized grad employees at the University of Iowa. Communications Workers of America (CWA, AFL/CIO) has organized some contingent-only units in the California community colleges. The American Federation of State, County and Municipal Employees (AFSCME/AFL/CIO) has a large unit of adult educators in Chicago City Colleges. A few other unions have scattered units in areas where they are regionally strong.

Intermediate Organizations

Finally, there have been a number of intermediate organizations (not unions, but specific to contingent faculty) develop in the past 10 years. In California community colleges, the California Part-time Faculty Association (CPFPA) has hundreds of members, most of whom are also in local unions. The contingents' unions in California, along with CPFPA, have formed a California Coalition of Contingent Academic Labor (CA COCAL) to relate to contingent specific issues statewide. Likewise, regional COCALs have been formed in Boston, Chicago, Western NY, and some discussion has taken place in New York City. In The City university of New York, CUNY Adjuncts Unite has functioned as an independent group, as well as a caucus in the joint bargaining unit, the Professional Staff Congress. Some of these intermediate groups, as well as some unions of contingent faculty, have joined the Campus Action group of NAFFE, the North American Alliance For Fair Employment, which is the general network of contingent worker groups of the US and Canada.

Conclusion

In conclusion, organizing is growing, but, compared to the total sector, is still at a low level and divided among a number of groups. The COCAL conferences remain the only consistent place where contingent activists talk to each other across organizational (union), regional (geography), and sectoral (university, community college, etc.) lines. This conference, COCAL VI, is the first to provide an opportunity for discussions of future strategy based upon organizing proposals. We are starting to learn more about ourselves and how to move together, but we have a long way to go.