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Luck or Design?
The Unionization Attempt at Bowling Green State University

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I. Introduction.

In 1991, I began my academic career at Bowling Green State University (BGSU), located in Northwest Ohio. I had been through the interview process, completed my Ph.D. in June, and was prepared for the teaching and research obligations that lay before me. What I was not prepared for was the level of campus unrest when I arrived in August. Within the year, the faculty would decide to vote on union representation. Since that first year, I have always wanted to write about the natural experiment that I witnessed.

It was not until fifteen years later that I would make an attempt to document the two years of the faculty unionization process at BGSU. Part of the delay was associated with my devotion to numbers. As a labor economist, I use econometrics and statistics to analyze problems and suggest public policy. However, in 2005, I began using qualitative approaches for research projects in the classroom. In 2006, students in my labor relations class were directed to develop an oral history of the BGSU organizing attempt. These histories, in addition to the historical evidence I collected during the period, are used in my current research project today.

My choice of a case study approach is motivated by what I hope to learn from the project. A statistical analysis tells us what to expect “on average” in relation to a problem. However, a case study such as this may provide insight into individual behavior that is not gleaned by a quantitative approach. For example, we know that on average, collective bargaining is preferred by younger faculty who feel disenfranchised in the governance process (Dayal, 1989). BGSU’s organizing drive was unusual in that the senior faculty led the movement. Understanding what factors led to this outcome may help us to understand why the unionization movement occurred at BGSU, and more generally, has grown in higher education in recent years (Benedict, 2006).

This discussion will attempt to meet two goals. First, it presents the case and preliminary findings related to the examination of the failed unionization attempt. The study investigates what features in this event may be important factors in higher education unionization. Second, the paper discusses the challenges using qualitative research methods to study faculty unionization. The rest of my talk will describe the events at BGSU from 1991 through 1994, after presenting a brief literature review that explains why faculty form unions. The analysis of these facts will help us to make some general conclusions about faculty organizing.

II. What Do We Know about Union Organizing in Higher Education?

A prime factor for the growth in higher education unionism is economic. Simply, faculty groups form unions to increase their economic well-being (Bacharach, et. al, 1987). Unionism provides a collective voice to combat falling salaries and other changes that individual workers are unable to win alone (Freeman and Medoff, 1984). During the early 1990s many public universities were faced with declining state funds but increased operational costs. In many cases, administrations imposed hiring and wage freezes to deal with financial constraints. As the mini-recession hit and state funding decreased, faculty salaries eroded, and the number of faculty unions grew to prevent a further erosion of their economic status (Benedict, 2006).

A second driving force for unionization is the changing role of faculty governance and the business university model associated with higher education today. In recent decades, the drive toward a market-based educational system has changed the way institutions of higher education teach students and deal with staff. Larger class sizes, distance learning, boutique degrees, and top down management styles are more prevalent today than they were thirty years ago, as schools compete for students and scarce dollars. As this business model grew in popularity, so did the dissatisfaction of faculty, not only with the way they were treated, but with the effect of the business model on learning outcomes (Johnson, et. al, 2003).

During the 1990s, the Ohio higher educational system faced declining state support and increasing state regulation, which led to faculty union representation elections at several of the four-year Ohio universities. Four of the institutions, the University of Cincinnati, Kent State, Shawnee State, and Youngstown State, organized in the 1970s, prior to any formal legislation that covered public sector unionism. The AAUP was elected at the University of Toledo and Cleveland State in 1993. BGSU voted for no representation in 1994 (AAUP), as did Miami University of Ohio in 1989 (independent/AAUP). Note also that in 1970s BGSU had an earlier failed unionization attempt, as did the University of Toledo (Hurd, et. al, 1997).

What led to the BGSU “no agent” vote when other schools facing similar economic decline and governance issues decided to unionize? We will see that three main factors, the long delay of the election, other strategic tactics of the administration, and the wrong approach of the union, led to the “no agent” vote at BGSU.

III. The Historical Context of Union Organizing at BGSU.

A. *The Environment at BGSU 1991-92.*

In the fall of 1991, Paul Olscamp had been president of the university for almost ten years. The BGSU faculty did not approve of President Olscamp and his top-down management style. They were especially unhappy with the curtailment of salary increases in the previous academic year. At the time, the State of Ohio faced a budget crisis and state institutions of higher education reaped the consequences accordingly. Between the 1990-91 and 1991-92 academic years, state funding to the university had fallen by over 18%, but the budget had been cut by only 5%. The administration's "classic" response to the state funding reductions was to freeze salaries, eliminate some faculty positions through retirements and lay off staff across the campus. Note that at the time, several expensive capital projects continued (Olscamp, 1992), a major point of contention with faculty who, in their view, bore the full burden of the budget crisis.

In the spring of 1992, the Faculty Senate's Faculty Welfare Committee (FWC) presented their recommendations for meeting budgetary constraints for the 1992-93 fiscal year. President Olscamp used two of these recommendations. First, he decided to curtail all raises for a second year in a row. Then, he changed the percentage used to calculate summer teaching salaries from 1/30 to 1/36 per credit hour.¹ These cuts particularly affected the most senior faculty, who often relied on summer income to boost salaries near retirement, which in turn boosted final pensions.²

Before the spring semester finished, faculty from across campus met at several general meetings about the salary freeze and summer salary reduction. Faculty were introduced to several unions, including the Teamsters, the American Federation of Teachers (AFT), and the American Association of University Professors (AAUP). In August, more

¹ For example, an individual earning \$40,000 under a 9-month contract would expect a \$4,000/course summer salary with a 1/30 percentage. The 1/36 percentage would reduce that amount to \$3,333. If someone taught two classes, which was the norm at BGSU, their loss during the 1992 summer would have been \$1,333.

² BGSU faculty are included under Ohio's STRS pension system, which at the time only provided for a defined benefit pension plan. These types of plans are backloaded, so that the longer one works for an organization (in this case, the State of Ohio), and the larger the final salary for the last few years of employment, the larger the monthly pension. And, because monthly pension benefits were based on the final three years earnings an individual worked, final pension benefits would have been reduced significantly by the summer salary reduction.

than 60% of the faculty signed authorization cards to ask for the AAUP as their collective bargaining representative. The BGSU Faculty Association (BGSU-FA) quickly formed, with mainly senior faculty at its helm.

Once the faculty selected AAUP as the bargaining agent, faculty were required to sign cards again in early fall to request an election. These were personally delivered to the State Employment Relations Board (SERB) on November 12, 1992 (Zawacki, 1992). The Ohio Public Employee's Collective Bargaining Act ("OPECBA") of 1983 provides SERB with authority over public sector union elections (O'Reilly, 1985). As described in the following sections, the determination took over one year and was one of the primary factors that led to the "no agent" vote in 1994.

B. The BGSU Organizing Movement and the Administration, the beginning.

Immediately following the authorization card drive in August, President Olscamp's Opening Day Address to the campus community explained his budget decisions and why he believed a faculty union was not the answer for BGSU (Olscamp, 1992). He noted the declining state budget as the cause of the salary freeze. However, he also noted that the state funding reduction was lower than anticipated and that a salary raise could occur sometime in the fall term. The general tone of the address was one of sorrow and a tendency to blame external factors for the current state of affairs:

There is a tendency in hard times to overlook any of the good things that have happened in the midst of the bad, and to search for scapegoats to blame for our problems. This is an all too human tendency which affects each of us. But it is important for all of us to stop and notice that good things are happening too, and it is critical for us to avoid blaming one another for a situation none of us wanted to happen, and for which none of us is personally to blame (Olscamp, 8/24/92, p.2).

President Olscamp pointed to the capital improvements program, increases in private fund-raising for student scholarships, support for faculty travel and research, improvements in the data processing systems, the library collections, and the increasing number of campus

computers as evidence of progress under his administration. He next addressed the collective bargaining movement. In his address, he welcomed the election, citing his belief in the right of free speech. He thanked the BGSU-FA for their decorum and issue-oriented campaign. He stated that at some time he would write a letter to the campus community, expressing his views about unionism, and that the only time he would enter into the debate about unionism was when there were requests for information or if there were inaccurate assertions made by the BGSU-FA.

The BGSU-FA responded to the address by working toward a critical mass of authorization cards and providing an influx of information about collective bargaining. They stated their desire of having as many people in the bargaining unit as possible. Their initial request to SERB included assistant chairs of academic units, temporary faculty and lecturers.³ Chairs and directors are formally excluded by state law, unless the faculty union and administration mutually agree to include these low-level supervisors. The BGSU-FA requested the inclusion of chairs and directors early in the organizing process, but the administration refused the request (*Monitor*, 12/2/1992).

Within weeks of the formal request for an election, the administration began a series of delaying tactics related to the determination of the bargaining unit. From the fall of 1992 through the fall of 1993, several meetings were held with SERB, and several were cancelled by the administration, as the two sides argued over who would be eligible to vote for the union.

C. The War of Words and Delays.

During the delay of the election, a second set of events occurred that may have affected the election outcome. First, a group of faculty, self-named the Advocates for Academic Independence (AAI), sent a series of memos to all faculty that asked “key questions” about the viability of a union on campus. The questions posed in these memos were cleverly worded in such a manner so as to shed a negative light on unions. For example, a 12/9/92 memo was titled, “Will a Union Promote Collegiality?”⁴ Under the opening paragraph were bulleted questions, beginning with,

³ At BGSU, lecturers are full-time, permanent instructors who usually do not have the pre-requisite terminal degree. Their primary responsibility is teaching and they usually have instructor-level course loads of 4/4.

⁴ This and all memos received by the author will be listed in the bibliography. Note that in this section, these memos are used extensively to relate the developing story of the organizing campaign at BGSU.

- *Do you want us to be “labor” and the administration (including your department chair) to be “management?” (Quotes from the newsletter)*
- *Will the tensions you sense between faculty and classified staff, and between tenured and untenured, senior and junior, and full-time and part-time faculty increase or decrease if collective bargaining is adopted?*

There were nine additional bulleted questions on the page analogous in tone. Similar memos were placed in faculty mailboxes numerous times, with the memos often designed much like a newsletter, including the masthead *The Independent Observer*. One of the last of the newsletters included a subtitle, “Undecided About How To Vote On Unionization? Let Ben Franklin Help” where Franklin is quoted as suggesting that one use a list of pros and cons to make a decision. The AAI included a long checklist of items to be checked off as a benefit from unionism or independence, including many of the topics presented in earlier AAI memos, such as the concern for inflexible work rules under a unionized university.

Over the same time period, the BGSU-FA sent fifty-six memos to the faculty. These memos highlighted the benefits of a union on campus and the problems facing the faculty with the current administration. The BGSU-FA memos at times presented information, and at times presented the frustration the association felt with the administration and the AAI. They noted the many delays on the part of the administration related to the bargaining unit determination in eight of the memos. A memo from November 24, 1992, indicated the expectation of a winter election. On February 3, 1993, a memo stated that a delay “is inevitable” because the administration would not “compromise or even discuss the issue of who is in the bargaining unit” (BGSU-FA, 2/3/1992). By March 29th, a memo indicated that the administration used delaying tactics to postpone the election until fall. The administration requested a pre-hearing conference so that they could present their objections to the inclusion of assistant chairs and temporary faculty to the bargaining unit, as well as present a list of faculty they deemed “supervisors.” However, during the pre-hearing, the administration representatives stated that they could not agree to any substantial compromise without conferring with those in higher status in the administration. Because of this, the hearing date of April 6th was set for a second pre-hearing. When this meeting failed to produce a compromise, a third pre-hearing was set

(BGSU-FA, 4/13/93). At the May 3rd pre-hearing, the SERB hearing officer ruled that assistant chairs would be included in the bargaining unit. Again, delays were made during the summer and early fall, until mid-October of 1993, when the SERB hearing officer found that temporary faculty and lecturers were to be included in the BGSU bargaining unit.

Several other incidents occurred that likely affected the union campaign. First, President Olscamp approved of two pay increases between 1992 and 1993 and a return to the 1/30 method of determining summer salary. The BGSU-FA claimed credit for the salary increases because they believed the union movement changed the administration's position, but it was not clear whether the faculty came to the same general conclusion. An additional problem arose when the Ohio state legislature passed a law in the summer of 1993 to increase the faculty workload in undergraduate education by 10 percent. The Ohio AAUP worked in Columbus and instituted a grassroots movement to remove the workload increase. However, by the time of the BGSU representation election, the legislation had not been changed, and lawyers for the governor were arguing that the law superceded any collective bargaining agreement related to workloads.

D. The letter and the vote.

The election was set in early February of 1994, and in January, President Olscamp distributed his promised letter to the campus community. The letter presented an effective combination of threats, praise, and placation. Several major points were made in the seventeen-page letter:

- A union would require BGSU to start from scratch on all matters involving the faculty workload and salaries.
- The Faculty Senate Budget Committee would be discontinued because the union would negotiate all salary issues.
- No individual would be able to directly contact the administration on matters covered by the contract.
- BGSU was one of the “better” schools in Ohio and the current stock of unionized schools had lower academic reputations.
- A faculty union would destroy the collegiality on campus (Olscamp, 1994).

The BGSU-FA responded to the letter in a February 4th memo, just a few days before the election. Despite the effort, at the end of the election on February 10th, the faculty had voted “no agent,” 329-258.

IV. What led to the outcome?

Based on my analysis to-date (note that I am in the early stages of my research project), I suggest that three main factors led to the “no-vote” at BGSU in 1994:

1. The delay of the vote. The labor relations literature is filled with papers that empirically demonstrate that the longer the period between the submission of the authorization cards and the election, the lower the probability of union success. In the fall of 1992, and even in the spring of 1993, the anger across campus was strong, especially coming off a summer with lower salaries and a second academic year with no raise. However, by January of 1993, President Olscamp was able to produce one raise and before the summer of 1993, he rescinded the summer salary changes. A second raise in the fall of 1993 placated faculty, too.

Why didn't the BGSU-FA file unfair labor practice complaints when these changes were made? Under the state law, they could have done so, because there is an expectation of laboratory conditions while a union movement is ongoing. In their interviews, several of the BGSU-FA leaders indicated that they knew how important the salary increases were to the faculty, and to formally complain about them would be the demise of the union. Thus, they decided use their memos to explain the influence of the union organizing movement on the increased salaries, rather than providing the administration with possible ammunition before the election.

2. The administration tactics. As I read through my materials and listen to tapes, one fact is clear to me: President Olscamp and his administration ran a clever anti-union campaign. As noted earlier, the delays seemed to be orchestrated. Other organizing drives demonstrated that temporary faculty and lecturers were part of the bargaining unit, yet the BGSU administration fought against their inclusion for almost one year.

The timing of the salary increases and the restoration of the 1/30 summer salary calculation also seemed to be part of a larger plan. President Olscamp first indicated that there might be some dollars for an increase in August of 1992, but the first increase occurred after the authorization cards had been submitted to SERB. The summer salary changes occurred in the early spring of 1993, as did the determination to add a raise for the 1993-94 academic year.

Despite the fact that the president was not well-liked by the faculty, or maybe because of it, President Olscamp was not a prominent figure during the election campaign. The president did not directly speak about collective bargaining after his 1992 Opening Address. Others in the administration used the *Monitor* to present the administration viewpoints. And, the anti-union faculty group presented these viewpoints in their newsletters. It was clear that leaving the president “out of the fray” helped to remove a reason to vote for the union.

In addition, President Olscamp’s final letter to the community was well-crafted. In addition to the subtle threats, the tone was one of a father to his children. I have used this letter in my labor relations class over the years, and my students unanimously agree to its persuasiveness. The fact that the letter was sent just ten days before the election added to its effectiveness.

To understand the success of the BGSU administration’s anti-union campaign, one can compare the organizing events of BGSU and Cleveland State University. Rodger Govea (1998) describes the Cleveland State experience. Like BGSU, Cleveland State faced state funding reductions and faculty incurred a salary freeze during the 1991-92 academic year. Faculty at both campuses believed they were losing ground on governance issues and generally disliked their presidents. Cleveland State had two university presidents during the organizing campaign. The first, an acting president, placed the salary freeze on most faculty, but gave substantial raises to a select fifty-two individuals. He also unilaterally increased the workload without additional compensation.

These events led to the union organizing campaign that began in the fall of 1992. Although the Cleveland State University administration also used delaying tactics, the delay lasted only about one year from the time of the initial organizing drive to the actual election. BGSU began its campaign informally in late spring of 1992 and the election was held twenty-two months later.

The actions near the election date were also different between the two universities. The Cleveland State president, who was hired during the election campaign, placed a hold on salary

increases for faculty, but gave raises to all other employees. She cited the state labor law as her reason for the hold on faculty raises. This action not only incensed the faculty, but drew support for the union movement from other campus groups. In December of 1993, the Cleveland State faculty voted 243 to 146 for the union.

3. *The missteps of the BGSU-FA and the national AAUP.* I see several missteps that did not help the union movement on campus. First and foremost was the passive response to the administration's delay tactics. The only evident response was the BGSU-FA's complaints through their memos. No formal unfair labor practice charges were filed, even though the BGSU-FA believed the delays were orchestrated. In addition, the raises, the subtle threats in the Olscamp letter, in combination with the delay tactics, may have constituted an ULP under the totality of conduct doctrine, and the charge could have been filed after the election.

A second misstep was in the manner of communication. The faculty were inundated with memos from the BGSU-FA and the AAI, with many more coming from the union. After a few months, the numerous memos were likely placed in one's "in box" without ever being read. This may have been the reason for the decline in faculty participation at the BGSU-FA meetings. The AAI reported that the audience for these meetings never reached more than 60 and that the meetings scheduled near the election attracted no more than 30 individuals (AAI memo, January 10, 1994), even though there were nearly 700 faculty on campus. The union officials did not take the necessary steps to attract people to meetings or to maintain the motivation for a union as the weeks became months and years. In contrast, the Cleveland State union talked one-on-one to as many faculty as possible (Govea, 1998).

The Ohio and national AAUP efforts were often ineffective. The fact that the Ohio AAUP had not prevented the increased workload legislation from passing or continuing may have fueled an attitude that a union would not change the environment in a substantial way. The BGSU-FA also found the national AAUP to be unhelpful. As I mentioned, there were several Ohio campuses in the midst of an election campaign during the early 1990s. The AAUP thought that the election was an easy win and neglected to spend the time and money to help the BGSU-FA, as it did with more contentious elections (Stoner, 2006).

Finally, I must ask, “Was it luck or design that led to the ‘no agent’ vote?” While some believe that luck has a large impact on the outcomes of representation elections, I believe that it is the purposeful strategies, or lack of purpose, that determine union representation elections.

V. *Research Plans and Challenges.*

As I mentioned in my opening remarks, I began this endeavor because I was a new professor when the union organizing event occurred and the observer in me could never let the experience fall by the wayside. I had used the event in the classroom over the years to explain why individuals join unions and to present one example of an anti-union campaign. However, it was not until I began this research in earnest that I discovered how effective the BGSU administration’s campaign was, especially in light of the increase of unions in Ohio universities over the last fifteen years. In 1991, only four of the four-year Ohio universities were unionized. Today, all but four (BGSU, Miami of Ohio, Ohio State, and the Northeastern Colleges of Medicine) have collective bargaining contracts. Interestingly, BGSU is much more like the unionized schools in terms of size, academic mission, and learning environment than the nonunion schools, yet today it remains nonunionized.

At this point in my research project, I am still navigating through the qualitative analysis methodology. I find the change difficult for several reasons. First, applied economics usually requires a deductive approach to problem-solving. One uses a theory to develop an empirical model, gathers data, and interprets the statistical results in light of the theory. Conclusions result because the data analysis provides an explanation related to the theory.

In qualitative work, especially in dealing with interviews, one must approach the problem differently. One explores through learning about the views of the individuals who are studied. In order to properly explore the elements in this case study, I am required to use a data coding system that sorts through large amounts of data (the interviews) and reduces them into several themes (Creswell, 1998). The inductive reasoning applied to a qualitative approach may or may not easily relate to an existing theory or even provide the generalizations I hope to discover as my project unfolds.

My second problem is in the immense amount of work required to develop the project. Data coding involves long hours of working with videotapes and eventually transcribing the

tapes so that I can find the main themes of the BGSU organizing movement. I find the qualitative approach as time-consuming as my work with datasets that were disorganized and user-unfriendly. To-date, I have only transcribed a small portion of the taped interviews from last year.

Despite these problems, I believe that the project is worthy of continued exploration. I plan to extend the interviews with a few of my own and possibly with interviews with faculty from one of the other schools that did unionize during the 1990s recession. The interviews also add a passion to the union movement that is not evident in numbers. I hope to translate this passion to the project when it is completed.

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