

Journal of Collective Bargaining in the Academy

Volume 0 *National Center Proceedings 2014*

Article 6

April 2014

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Available at: <http://thekeep.eiu.edu/jcba/vol0/iss9/6>

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Trends in Labor Management Issues at Historically Black Colleges and Universities

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Presented at

Achieving Successful Results in Higher Education through Collective Bargaining

41st Annual National Conference A Joint Labor/Management Meeting CUNY Graduate Center,

New York, New York, April 6, 7, 8, 2014

ABSTRACT

The mobilization of workers through unionization has deep historical roots within American society; more so in the northern regions than in the southern region of this country. Despite these historical roots, some sectors of the American population (i.e., minorities in general and African Americans in particular) who have experienced various forms of discrimination have not fully participated in the unionization movement. This is especially true of the faculty in historically Black Colleges and Universities (HBCUs). As a result of the various forms of discrimination that not only denied them meaningful participation in the labor market but restricted their economic success, and the segregation that resulted from the stereotypic views of racial minorities, the fact that HBCU faculty do not mobilize effectively on college campus through unionization is troubling. In fact, on some HBCU campuses, faculty have no mechanism to participate in the governance of their own university. With the survival and destiny of HBCUs at stake, HBCU faculty must be proactive and engaged to create their own representative voice.

TRENDS IN LABOR MANAGEMENT ISSUES AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Introduction

Historically Black Colleges and Universities (HBCUs) have existed in the United States for nearly two centuries. HBCUs are institutions which were established prior to 1964 with the intention of serving the African American community. The Higher Education Act of 1965, as amended, defines a HBCU as: "...any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation." (P.L. 89-329).

In the United States, there are 103 HBCUs that meet these criteria. They vary in characteristics from public to private; large to small; religious to nonsectarian; and selective to open enrollment. HBCUs educate some 300,000 students and employ over 14,000 faculty members (Gassman et. al., 2007) and HBCUs are still sources of great pride and continued educational accomplishments. Further, few would dispute HBCUs' excellence in graduating African American students and their contributions to American higher education. (Gassman et. al., 2007).

In comparison to HBCUs, there are a total of 4,500 colleges and universities in the United States with over 1,000,000 faculty and other professional level employees who have some form of collective agreement. In fact, approximately 40% of all 2- and 4-year public institutions

of higher education have some form of collective bargaining (Bucklew et.al, 2012). Many faculty members are forming unions as a way to compensate for the economic effect of the Depression of 2007 by bargaining for pension, insurance, and health benefits but this activity is not taking place among the faculty members of HBCUs.

HBCUs lag behind mainstream schools with regards to effective leadership, governance, and the efficient management of their most crucial resource other than their students--- their faculty. However, this trend cannot be totally blamed on HBCU leadership. Administrators and faculty alike have not been proactive in the shared governance in their educational community. Low levels of faculty participation and failure to insist on shared governance is a symptom of the many problems on HBCU campuses. Shared governance refers to the shared responsibility between administration and faculty for primary decisions about the general means of advancing the general educational policy (Flynn, 2005), but HBCU faculty do not petition for shared governance on their respective campuses and have little or no involvement in institutional decision making. Faculty, who fail to participate in shared governance, rarely participate in collective bargaining.

Given their history of socio-economic peripheralization and their continued struggles for success, one would expect African Americans, especially highly educated ones, to be adept at blending or adapting to the various forms of mobilization and advocacy, especially that of labor unions which have not only provided them access to opportunities but also given them a voice in the governance of organizations, but they do not.

Focusing on HBCUs as the unit of analysis, this paper hopes to trace the historical role of unions as an agent of faculty representation and a conduit of shared governance between faculty and administrators. Specifically, the aim was to examine the trend or lack thereof in

unionization as a form of advocacy for meaningful participation and representation by HBCU faculty in the decision making processes at the administrative level at their institutions, whether this be in the form of dispute resolution, collective bargaining or the promulgation of operational policies.

The History of Historical Black Colleges and Universities

Perhaps, one of the greatest struggles faced by African Americans in the United States has been the prolonged fight to be educated. HBCUs were established to serve the educational needs of African Americans. These primarily Black institutions (PBIs) have played a significant role in the American system of higher education, particularly for African Americans who were generally denied admission to traditionally White institutions (TWIs). For almost one hundred years, African Americans seeking a college education could only attend HBCUs.

Legislation, court decisions, and public policy prohibited the education of African Americans in various parts of the nation during its early history. According to Ford-Edwards (2002) prior to the American Civil War access to education in publicly sponsored or funded was denied to African Americans. After the Civil War, northern benevolent societies, freedman bureaus, and African American churches began opening colleges, later to be known collectively as HBCUs to specifically educate and train African Americans. The first higher education institution for African Americans, the Institute for Colored Youth, was founded in Cheney, Pennsylvania in 1837. Lincoln University in Pennsylvania (1854) and Wilberforce University in Ohio (1856) soon followed. Initially, institutions were called "universities" or "institutes," but their primary mission in the early years, like most traditionally white institutions, was to provide elementary and secondary schooling to the educationally disenfranchised Black population. HBCUs began to offer courses and programs at the postsecondary level in the early 1900s.

(Jackson, 2002)

Public support for higher education for African American students came from the enactment of the Second Morrill Act in 1890. The First Morrill Act (also known as the National Land-Grant Colleges Act of 1862) made postsecondary education accessible to broader state populations of American citizens, but did not recognize the needs of African American students. The new Act required states with racially segregated post-secondary institutions to provide a land-grant institution for African American students whenever a land-grant institution was established and restricted for their White counterparts. After the passage of the new Act, public land-grant institutions specifically for African Americans were established in southern and Border States. As a result, some new public Black institutions were founded, and a number of formerly private Black schools came under public control; eventually 16 Black institutions were designated as land-grant colleges. Like many institutions of the time, these institutions offered courses in agricultural, mechanical, and industrial subjects, but few offered college-level courses and degrees.

The U.S. Supreme Court's decision in *Plessey v. Ferguson* (1896) established a "separate but equal" doctrine in public education. In validating racially dual public elementary and secondary school systems, the *Plessey* decision was part of the basis for a focus on teacher training to educate African American students who attended segregated schools. The decision also stipulated that:

- (1) A state must offer schooling for African American, as soon as it provided it for Whites (*Sinuel v. Board of Regents of University of Oklahoma*, 1948);
- (2) African Americans students must receive the same treatment as White students (*MacLaurin v. Oklahoma State Regents*, 1950); and

(3) A state must provide facilities of comparable quality for African Americans and White students (*Sweatt v. Painter*, 1950). (NCES, 1991)

To eradicate the vestiges of discrimination, many states resorted to equalizing policies of social equality. These policies were this nation's first attempt at affirmative action, providing minorities (and White women) certain preferences in employment and college admissions. Today, although waning, affirmative action policies still exist in many different forms; however, as a result of constant legal attacks by those who argue that they amounted to reverse discrimination against White males (Connor, 1985).; it has become a dying concept.

By 1953, more-than 32,000 students were enrolled in private Black institutions, such as Fisk University, Hampton Institute, Howard University, Meharry Medical College, Morehouse College, Spelman College, and Tuskegee Institute, as well as a host of smaller Black colleges. In the same year, over 43,000 students were enrolled in public Black colleges and HBCUs enrolled 3,200 students in graduate programs. These private and public institutions mutually served the important mission of providing education for teachers, scientists, ministers, lawyers, and doctors for the African American population in a racially segregated society.

The Supreme Court's decisions in *Plessey v Ferguson* applied its "separate but equal" principle to graduate and professional education. Due to the *Plessey* decision, African American students increasingly were admitted to traditionally White graduate and professional schools if their program of study was unavailable at HBCUs. In effect, desegregation in higher education began at the post-baccalaureate level.

The "separate but equal" doctrine was rejected in 1954 when the U.S. Supreme Court in *Brown v. Board of Education* overruled the *separate but equal* doctrine holding that racially segregated public schools deprived African American students of equal protection guaranteed by

the Fourteenth Amendment of the United States Constitution. Despite the court ruling in the *Brown* decision, most HBCUs remained as predominately African American institutions with minority students in greater attendance.

The *Civil Rights Act of 1964* greatly impacted education in general, but more importantly America's higher education system. Armed with the Act's tenets, students that were long denied admission into TWIs now stood ready to enter their self-proclaimed hallowed halls. In enacting Title VI, Congress also focused its concern with the slow progress in desegregating educational institutions following the Supreme Court's *Brown* decision. Title VI of the Act protected individuals from discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance. With the passage of the *Civil Rights Act of 1964* more African American students began exercising their rights and enrolling in TWIs. Subsequently, affirmative action began to erode and is experiencing a downward spiral evidenced by the number of court cases, legislative mandates, and executive orders that have sought to overturn all vestiges of educational, economic, and pursuit of liberty gains of African Americans in the United States. These policy shifts resulted in Supreme Court decisions during the 1970s through the 1990s which significantly diluted affirmative action programs and policies (Milakovich & Gordon, 2001).

In 1978, in the Supreme Court case of *Bakke v. University of California* (438 U.S. at 320, (1978)), a White University of California at Davis medical school applicant who had been rejected for admission twice, even though he considered himself better qualified with a higher grade point average than some of the minorities who had been admitted, sued the University based on discriminatory admission policies. In this case, the Court held that "a substantial interest that legitimately may be served by a properly devised admission program involving the

competitive consideration of race and ethnic origin” was permissible (at 438 U.S. at 320, 1978).

In writing his opinion, Justice Powell affirmed the constitutionality of affirmative action admission policies in institutions of higher education (Ervin & Davenport, 2007). He stated that such policies not only promoted critical thinking (*Bakke v. University of California*, 438 U.S. at 312 (1978), but they enhanced and strengthened a diverse society of contributing leaders and professionals. In 1978, *Bakke* argued unsuccessfully that the medical school’s quota for admitting minorities amounted to reverse discrimination.

Affirmative action admission policies in higher education were again challenged in 2003 in the case of *Grutter v. Bollinger*, 123 S. Ct. 2325, 234 (2003). In this case, the Supreme Court voted in favor of the overwhelming benefits that a heterogeneous student body brings through an educated citizenry representative of the nation’s many people. According to Ervin and Davenport (2007), the Court’s decision in this case was the catalyst for many nationwide legal and political battles against affirmative action. However, this decision was overturned by the Michigan citizens by a constitutional amendment. Proposal 2, also known as the Michigan Civil Rights Initiative, prohibited the use of racial, ethnic, or sex-based preferential treatment in admissions considerations for public educational institutions, government contracting, and public employment, thereby effectively prohibiting affirmative action programs in any of Michigan’s public institutions., It is currency awaiting a decision from the Supreme Court. (Jaschik,2006)

Fisher v. University of Texas at Austin (2012) was the first case since the University of Michigan affirmative action cases to consider race in university admissions. In *Fisher*, Abigail Fisher, a white high school student from Sugar Land, Texas, was rejected for admission to that University based on Texas educational policies. Effective in 2005, Senate Bill 175 instituted caps on the number of entering freshmen, the total enrollment of freshmen and sophomore

students, with a portion of the cap conditionally set aside for the enrollment of minority students (Texas Senate Bill 175, 2009). Texas law required all students in the top ten percent of their high school classes to be admitted to state universities, but students who fall just short of that threshold, like Fisher, must be admitted according to a formula in which race is one factor in the equation. This state policy forced Ms. Fisher, minority students, and other non-minority students to seek out second and third tier institutions and HBCUs as a means of obtaining their educational goals. Fisher's lawsuit was based on a claim that any consideration of race by a university in admissions violates the Equal Protection Clause of the Fourteenth Amendment (Tobin, 2012). Last June, the Supreme Court in a broad majority of the Court reinforced that affirmative action by stating that it must be strictly reviewed, but not eliminated.

One would have expected that erosion of affirmative action both by policy and court decisions would have stirred mobilization by faculty in HBCUs, but it did not. In fact, according to Turner (2003) over the past forty years, sixteen HBCU's have closed - primarily due to money problems and so-called "diversity initiatives" resulting in declining enrollments and endowments. In fact, Turner found that there were many unintended consequences of affirmative action and quotas—the demise of HBCUs was just one of them.

HBCUs and Students

According to survey data collected by the National Study for Student Engagement (NSSE), students at historically Black colleges and universities report higher levels of engagement on some survey dimensions than do their counterparts at non-HBCUs (NSSE, 2001). Particularly, Black students at HBCUs are more likely to be involved in student government (Sutton & Kimbrough, 2001); spend more time utilizing campus facilities and participating in clubs and organizations (Watson & Kuh, 1996); direct effects on self-reported gains in

understanding the arts and humanities, personal and social development, understanding science and technology, and development of intellectual and writing skills (Flowers, 2002).

Even today, HBCUs produce African American graduates in great numbers. According to the U.S. Department of Education, Institute of Educational Sciences, National Center for Education Statistics, and Integrated Postsecondary Education Data System (IPEDS), fall 2004 through 2006 collections, the nation's HBCUs accounted for more than ten percent of all African American doctoral graduates (See Table 1). HBCUs produce graduates who enter the professional world in occupations as varied as education, medicine, law, STEM (Science, Technology, Engineering, and Mathematics) areas; public service; government; and business.

Specifically, over half of all African American professionals are graduates of HBCUs. Nine of the top ten colleges that graduate the most African Americans who go on to earn Ph.D.'s are from HBCUs. More than 50 percent of the nation's African American public school teachers and 70 percent of African American dentists earned degrees at HBCUs. Finally, United Negro College Funds (UNCF) members Spelman College and Bennett College produce over half of the nation's African American female doctorates in all science fields (National Association of HBCU Title III Administrators, 2011). HBCUs have played and continue to play a key role in the lives of African Americans and this nation.

Table 1: *Percentages of Change in Doctoral Degrees Awarded to African Americans at HBCUs Compared with All U.S. Universities*

	1996-2000	2001-2006	1996-2006
HBCUs*	35%	36%	82%
All Universities*	25%	3%	27%

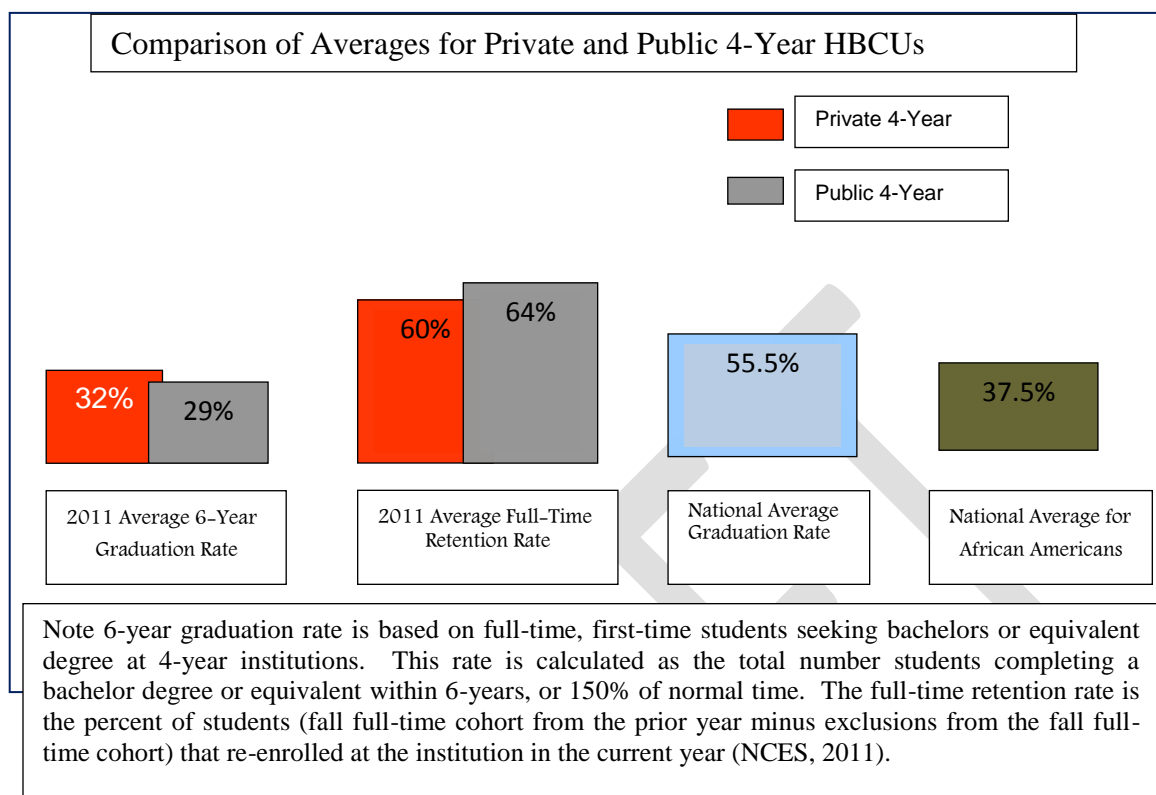
*Includes awards to U.S. Citizens and permanent residents only

However, the educational respect for HBCUs is on the decline. According to

economists Fryer and Greenstone (2012) during the 1970s, a HBCU attendance resulted in a greater likelihood of graduation when compared to black attendees at TWIs, providing a substantial wage premium to their graduates. However, by the 1990s, HBCU attendance yielded a wage penalty to black graduates in comparison with black students attending a TWI. Other differences between HBCUs and TWIs are more positive. Students attending HBCUs appear to demonstrate increased charitable giving, political participation, religious participation, and propensity to major in the physical sciences compared with those who went to traditionally white institutions. The comparison of measures of success at private and public 4-year HBCUs is provided in Table 2 below. It is noted that the graduation rate is based on full-time, first-time students seeking bachelor's or equivalent degree at 4-year institutions. This rate is calculated as the total number students completing a bachelor degree or equivalent within 6-years, or 150% of normal time. The full-time retention rate is the percent of students (fall full-time cohort from the prior year minus exclusions from the fall full-time cohort) that re-enrolled at the institution in the current year (NCES, 2011).

Table 2: *Measures of Success at Private and Public 4-Year HBCUs*

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While HBCUs represent just 4 percent of the nation's institutions of higher learning, they graduate nearly one-quarter of African Americans who earn undergraduate degrees. Specifically, over half of all African American professionals are graduates of HBCUs.

Today, as the overall color scheme of the Flagship and Research I institutions across the nation become more Asian and White, African American graduates and people of color are being displaced (Hale, 2006). Therefore, in 2014, HBCUs' play an even more important role in our society through the education of African American graduates prepared and ready to compete in the global market. A significant amount of research has been conducted about HBCUs effectiveness with their students especially in light of the fact that faculty at HBCUs tend to have fewer resources, smaller enrollments, a lower student-faculty ratio, and higher student-faculty interactions. Students at HBCUs are 1.5 times likelier than students at traditional white colleges and universities to participate in faculty members' research (NCES, 2004).

Beverly Daniel Tatum, president of Spelman College, has stated that "HBCUs are the preferred choice for many talented Black students in HBCU. College choice is a reflection of identity---a statement about how you see yourself, who you are now, and who you hope to become. Students are drawn to environments where they see themselves reflected in powerful ways, places where they see themselves as central to the educational enterprise" (Tatum,).

Historically, faculty achieved their influence at their universities by virtue of their market power and academic success. This is in contrast to HBCUs where power is bargained based on relationships or status within the university structure.

Shared Governance

Shared governance is a foundational concept in American higher education and is defined as how institutions of higher education are formally organized and managed when the participation of all parties is included. However, faculty participation in the governance of their college or university depends on institutional decision-making and leadership. The principle of shared governance is one that has lasted for centuries and mandates that at all levels college and university employees—including top tenured faculty, junior faculty, temporary and part-time/adjunct faculty, graduate teaching and research assistants, professional staff with and without faculty rank, and the classified and support staff that keep the educational enterprise going—should have a guaranteed voice in decision-making, a role in shaping policy in the areas of their expertise" (AFT, 2011).

It is widely understood that broad participation in decision-making increases the level of employee investment in the institution's success. In fact, shared governance is not a simple matter of committee consensus, or the faculty's engaging administrators to take on the dirty work, or any number of other common misconceptions. Shared governance is much more

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complex; it is a delicate balance between faculty and staff participation in planning and decision-making processes, on the one hand, and administrative accountability on the other.

What does that mean? Effective faculty governance requires a focus on professional academic priorities and full administrative disclosure of all facets of governance. The American Association of University Professors (AAUP) Statement on Government of Colleges and Universities supports the idea of interdependency and mutual support between the administration and faculty and states that the primary responsibility for faculty and administration are on “curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process”. However, it also speaks of the college or university as being a joint enterprise.

Joint effort in an academic institution can take a variety of forms appropriate to the kinds of situations encountered. “In some instances, an initial exploration or recommendation will be made by the president with consideration by the faculty at a later stage; in other instances, a first and essentially definitive recommendation will be made by the faculty, subject to the endorsement of the president and the governing board. In still others, a substantive contribution can be made when student leaders are responsibly involved in the process” (AAUP, 1966) However, it is in the area of shared governance that HBCUs have been most criticized by those concerned with the state of the profession.

HBCUs and Shared Governance

Faculty members at HBCUs are global educators representing nations from all over the world. Faculty members who provide their students access to a quality education and are responsible for many of the gains at their institutions are not active in leadership of these schools and do not participate in the leadership circle. Therefore, it is troubling to imagine that

faculty members at HBCUs, although responsible for many of the gains at HBCUs, are not active in leadership of these schools. In fact, lack of shared governance is one of the biggest barriers to faculty advancement and development at primarily black institutions. This change would require more presidents and administrators to include faculty in institutional decision-making activities. Typically, faculty teach four or more courses a semester. The majority of HBCU students are first-time in college students from low-income families. Full professors at HBCUs earn a little more than half of what their counterparts earn at the national level. Salary disparities between HBCUs and the national average range between \$18,000 and \$53,000 (Gasman et, 2007). Salary parity should be important to underpaid, faculty members who spend additional time outside the classroom mentoring student and advising student organizations. But it seems that the faculty do not engage in activities to seek salary parity from administration. For example the faculty at Harris –Stowe University, who are extremely underpaid, took part-time positions in other colleges to support their families, as do many HBCU faculty members across this country.

Faculty Senates

The Faculty Senate is the supreme legislative body on internal policy in most universities and is the highest legislative body within the university advising the President on academic matters and other concerns affecting the university. It acts in an advisory capacity for major policy changes, such as restructuring, layoffs, economic policy changes, tenure and promotion with the Senate's recommendations reflecting the consensus of the faculty.

The Faculty Senate considers, legislates, and advises on all matters of general university interests. Depending on their constitution and by-laws, faculty senates are forums where the elected senators and other faculty members discuss and debate curriculum issues and university concerns. At most universities, routine items are taken care of by decisions of the Senate. For

the most part, faculty senate deliberations are limited to items that involve the welfare of the faculty and most university operations, where Senate members are able to offer their professional expertise as defined by their Constitution and by-laws.

In addition, the Faculty Senate also serves as a forum for collegial faculty participation in decision-making relating to the institution-wide academic standard and policies. A collegial academic environment:

“...can best be accomplished through Senates selected by representatives of the appropriate campus constituencies in accordance with the institution’s constitution and tradition. Appropriate matters of concern should be brought before the Senate by its members or steering committee, or by the President of the university or representatives. Among matters which may be of concern to the Senate include: (a) curriculum policy and curricular structure; (b) requirements for degrees and granting of degrees; (c) policies for recruitment, admission, and retention of students; (d) the development, curtailment, discontinuance, or reorganization of academic programs; (e) grading policies; and (f) other matters of traditional concern.” (AAUP, 1966)

In many institutions, faculty senates determine academic policy; but when the stakes are high, administrations and boards of trustees are fully prepared to overrule faculty decision-making, especially on HBCUs campuses. For example, during a recent Presidential search at Florida A&M University (FAMU) two applicants (Saint Augustine’s University President Dianne B. Suber and John E. Maupin Jr., D.D.S., M.B.A., President of Morehouse Medical School) came under intense scrutiny by FAMU Faculty due to their treatment of faculty in their respective institutions. During the search it was disclosed that according to the Tennessee

Conference of the American Association of University Professors (Academe.): “the Faculty Senate voted no confidence in President John Maupin by a margin of 45 to 5 with 15 abstentions on June 4th, 2003. The vote came after 13 professors were terminated and a number of others found their contracts restructured with substantial reductions in salaries.” An investigating committee of the AAUP later accused Maupin of effectively eliminating the tenure system at Meharry Medical College during his presidency at that school. There were also allegations that he used intimidation tactics to pressure faculty members into publicly supporting that overhaul. As the result of this disclosure, Maupin withdrew his application for the FAMU presidency. News of his decision came just hours after another candidate, St. Augustine University President Dianne Boardley-Suber, who also withdrew her name from consideration after Logan Delany, who formerly served as the chairman of the St. Augustine's University Board of Trustees, said he resigned from that position shortly after Boardley-Suber dissolved the institution's faculty senate. (Rattler Nation, January 6, 2014).

However, at Harris Stowe University, where their faculty is currently negotiating their first collective bargaining contract, the Faculty Senate was reinstated last fall after being abolished by its former President, Henry Givens, who had served as their chief administrator for 32 years. It was reinstated on the recommendation of its accrediting body (UFF FAMU Newsletter, September, 2013).

Collective Bargaining

Collective bargaining is the ultimate form of shared governance experience. It is a bilateral process for making decisions that directly impact faculty salaries, benefits, and working conditions. Even though it is not adversarial, it is often perceived as such by university administrations, especially those at HBCUs. The main objective of collective bargaining is to re-

distribute power over the many aspects of academic life. Collective bargaining assures faculty governance. Collective bargaining seeks the transfer of power from the administration into “the hands of the faculty collective”, which is currently the province of administrators.

For private colleges and universities negotiations are conducted under the National Labor Relations Act (NCLRA) while negotiations for public colleges and universities are carried out under state labor laws. Collective bargaining contracts acknowledge and legitimize shared governance for the faculty union and in higher education equivalent to faculty senates. The higher education “industry” has accommodated a faculty collective bargaining system that coexists in many cases with a faculty or academic senate that provides faculty with structured involvement in the shared governance of the institution (Bucklew et. al., 2011). The following chart classifies states according to the legal status of collective bargaining laws.

Table 3: Legal Environments toward Collective Bargaining of Public Sector Employees

Group	Definition	States
High-CB	States that have collective bargaining laws and allow agency fees	Alaska, California, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin
Med-CB	States that have collective bargaining laws but prohibit agency fees	Florida, Idaho, Indiana, Iowa, Kansas, Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, Tennessee
Low-CB	States that do not have collective bargaining laws but allow collective bargaining	Alabama, Arkansas, Colorado, Kentucky, Louisiana, Missouri, Utah, West Virginia, Wyoming

No-CB	States that ban collective bargaining of public sector workers	Arizona, Georgia, Mississippi, North Carolina, South Carolina, Texas, Virginia
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Source: “Teacher Monopoly, Bargaining, and Compulsory Unionism, and Deduction Revocation Table”, National Right to Work Foundation (2010)

However, collective bargaining habits and behaviors are contrary to the establish attitudes and behaviors of HBCU administrators. Collective bargaining is a process in which faculty and the board of trustee/administrators interact as equals and negotiates wages terms, and conditions of employment. This process results a legally binding agreement that cannot be unilateral changed, but may be changed in whole or part if the parties mutually agree to renegotiate the agreement. The problem is that HBCU administrators and Board of trustees are used to making unilateral decisions and do not allow full participation by faculty in the collective bargaining process.

For example, Article I, section 6, of the Florida Constitution created a constitutional right of collective bargaining for public sector employees in 1988... The Florida Supreme Court has consistently reaffirmed that under article I, section 6, public employees maintain the same rights to collectively bargain as do private employees. FAMU is part of the Florida State University system. The Florida System has universities, twelve member institutions, which include

- Florida A&M University
- Florida Atlantic University
- Florida Gulf Coast University
- Florida International University
- Florida Polytechnic University
- Florida State University

New College of Florida

University of Central Florida

University of Florida

University of North Florida

University of South Florida

University of West Florida

All of these member institutions have collective bargaining agreements; all participant in the collective bargaining process, but they do not view or participate in this process like the FAMU administrators and their outside counsel. In fact, at the February 5, 2014 bargaining session the FAMU Chapter of the United Faculty of Florida (UFF) Team declared impasse (In collective bargaining, impasse occurs when the two sides negotiating an agreement are unable to reach an accord and become deadlocked). In the case of the UFF negotiations with FAMU, the union had embattled with the FAMU administrative team, for almost two years.

After almost two years of bargaining, the FAMU administrative team would not accept changes to the current collective bargaining agreement, nor provide additional remunerations for faculty other than the \$1,000 State of Florida disbursement received in October, 2013 and the \$600 spring merit increase for 35% of the faculty. Their position was contrary to the position taken by most SUS administrations, which had set aside additional monies for their faculty. FAMU administration and its Board of Trustees had never included monies for recurring allocations in their budget to keep in pace with inflation. FAMU puts money in the budget for penalties, settlement of lawsuits, and the increasing cost of utilities. However, there is no increase for the salaries of faculty. UFF FAMU in their February Newsletter described the problems in dealing with their administration, stating:

“The administration was also totally indifferent to the concept of collective bargaining. In fact, the administrative collective bargaining team failed to even show up at many of the regularly scheduled sessions. The problem was so prevalent that at the January 21, 2014 Faculty Senate meeting we sought the support of the Senate.”

Finally, although Harris-Stowe University is currently negotiating a collective bargaining agreement, collective bargaining activities on HBCU campuses is not an increasing trend; it is an exception to the rule. The faculty and staff at Harris-Stowe University decided to form unions after years of oppressive labor practices, i.e., erratic tenure and promotion policies, autocratic leadership, and salary inequities. Increased trends in unionization are often responses to autocratic leadership behaviors.

Leadership Behaviors and Characteristics of Leadership

HBCUs are governed differently than predominantly white institutions. Some believe that this difference rests on the cultural differences between TWIs and HBCUs. Others believe the difference rests with their leadership. Minor (2005) suggest researchers should not make false comparisons of the institutional structure of HBCUs and predominantly white colleges and universities.

Social science researchers readily note numerous cultural differences between African Americans and whites. It therefore seems reasonable to expect African Americans at HBCUs operate differently from whites at predominantly white institutions. Many HBCU presidents, for example, are said to emulate the charismatic, paternal approach found in African American churches. (Minor, 2005, p.).

Paquita M. Herring (2010) studied leadership characteristics of HBCU presidents who are often the foci of institutional power at their respective HBCUs along with their leadership team

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and the Board of Trustees. Herring characterized their overall leadership style as autocratic which is the source of the strain between HBCU faculty and administrative leadership. More often than not, HBCU presidents have been accused of imposing their prerogative on faculty and staff. Indeed, the negative perceptions of HBCUs are indicative of a belief that their administrators, particularly the presidents, are dictators and are the only source of power on campus. Herring found that administrators often disregard principles of shared governance and treat faculty as subject to their unilateral decisions. However, according to Minor (2005) HBCU proponents suggest that strong presidential leadership is partly responsible for the survival and progress of these institutions and suggest that scholars and practitioners need to know where challenges lie for these institutions and what contextual differences might explain the use of distinct practices. HBCU faculty members are increasingly realizing that a firm commitment to professional development and teaching and learning is necessary on their respective campuses. However, shared governance is critical to achieving the larger educational goals for HBCUs. Faculty, staff and administration must be educated on these matters.

Methodology

Data concerning labor management trends at HBCUs was culled from existing data and research literature. An informal telephone survey was also conducted during the weeks of March 14, 2014 and March 21, 2014. Graduate students at Florida A&M University canvassed the 103 HBCUs to ascertain labor management practice. Further, additional information concerning labor management and collective bargaining was obtained electronically (See Appendix 1). Unfortunately these weeks were also Spring Break for at least one-third of the campuses. This is a period when most students and some administrative staff are unavailable. The graduate students were charged with locating labor management professionals at the

colleges and universities and, after obtaining verbal consent, asking them the following questions:

- 1) Do you have an employment contract or collective bargaining agreement with your faculty?
- 2) Are your employees represented by a union or an employee association? (If yes or both get names)
- 3) Would you be willing to send us a copy of your agreement or provide the link?

HBCUs and Collective Bargaining Survey Results are as follows:

Table 4: Q1. Do you have an employment contract or collective bargaining agreement with your faculty?

Responses	Frequency	%
Yes	7	21.21
No	21	63.64
Declined to Answer	1	3.03
Refused to Proceed	1	3.03
Spring Break	1	3.03
They have a notice of employment	1	3.03
Will call back left a message	1	3.03
Total	33	100.00

There were 33 respondents to this question. Approximately 64% of the survey respondents did have an employment contract or collective bargaining agreement with their

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faculty.

Table 5: Q2. Are your employees represented by a union or an employee association? (If yes or both get names)

Responses	Frequency	%
Yes	5	15.15
No	25	75.76
Declined to Answer	1	3.03
Refused to proceed	1	3.03
Spring Break	1	3.03
Total	33	100.00

There were 33 responses to this question. The employees of almost 76% of the respondents were not represented by a union or an employee association. Five HBCUs (15.2%) were represented by a union or employee association. These organizations were identified as the Faculty Senate, the United Faculty of Florida (UFF), the University of the District of Columbia/National Education Association (UDC/NEA), and the American Association of University Professors (AAUP).

Table 6: Q3. Would you be willing to send us a copy of your agreement or provide the link?

Responses	Frequency	%
Yes	1	3.22581
No	25	80.6452
Declined to Answer	1	3.22581
Refused to proceed	1	3.22581
Spring Break	1	3.22581
Requests that you send them a personal email	1	3.22581

Will call back	1	3.22581
Total	31	100

The majority (80.6%) of the 31 respondents to this question refused to share a copy or provide a link to their University's Collective Bargaining Agreement. Only one respondent was willing to share a copy or the link to the collective bargaining agreement and one respondent requested a personal email be sent. While the informal survey results are limited by the timing (It was conducted during Spring Break) and the difficulty in locating the contact person to complete the survey, there results are supportive of research on the participation of HBCUs in unionization activities.

Discussion and Conclusion

From the analysis of trends for representation and advocacy through unionization at HBCUs, it is quite apparent that one must take into consideration the role unions play in African American lives in general. While labor unions became the vanguards for mobilizing, advancing and championing the rights of non-African American workers in America, such was not the case for faculty at HBCUs. For a prolonged period in American history, African Americans were excluded from permanent labor force participation. Reasons for the exclusion ranged from the lack of education and skills to overt prejudices and discriminatory labor practices, including outright threats and intimidation. The various forms of labor force exclusion should have motivated HBCU faculty to develop their own advocacy, protocols and representation strategies in order to earn their rights to participate in the governance of their faculty. Their history of mobilization efforts, should have taught African American faculty members to realize that their discriminators who were mainly located outside of their ethnic group also exist within. Faculty at

HBCUs with the forces of oppression and exploitation coming from the outside, were clear in the fact that African Americans needed to mobilize against a common external enemy. Yet, the instrument of mobilization and solidarity was missing in the face of minimal labor force participation and exclusion from union representation. Left to construct their own instruments of advocacy and representation, African American faculty turned to their church leaders and religious congregants as the locus of mobilization against their external foes.

Given the resiliency of African Americans advocacy for mobilization and representation, which emerged out of necessity to challenge the external forces of exploitation and domination, one would have expected that this would have carried over into situations where the negative forces were internal to the group. This, however, does not appear to be the case at HBCUs. Not only does it appear that unions are not successful in mobilizing faculty into action against unfavorable conditions of employment, unions seem to be viewed with suspicion at HBCUs. The cultural affinity which flourished among African Americans when the threats or enemy were external to the group seems to insulate HBCU administrators from being viewed as a dominant oppressive force. In addition, even when the affinity is not clearly evidenced, the perception is that a relationship does exist. This is due to the reality that a vast majority of HBCU administrators are struggling to keep their institutional doors open in face of legislative mandates that are linked to institutional performances rather than institutional missions. As a result, the negative forces continue to be viewed as coming from the outside. This means that to mobilize and advocate through union representation is perceived as forming alliances with the external forces to weaken or erode the survival of HBCUs.

A possible reason labor trends for unionization and trends in representation and advocacy through these entities have suffered is because they do not have deep roots in the history and

struggles of African Americans. When coupled with the perception of affinity relationships on HBCU campuses, the overall perception is that levels of discontent or unfair employment practices can be effectively resolved through individual plea or appeals. Given the dynamic environment facing HBCUs, and the increasing reliance on institutional performance indicators which focus on the output of the educational process, it is imperative that HBCU faculty advocate for, and gain, an expanded role in the decision-making process. Educational initiatives for faculty, staff and administration on the concept of shared governance and adoption of a firm commitment to increase opportunities for professional development, teaching innovation and student learning is crucial if HBCUs are to succeed in achieving their larger educational goals. Creation of an atmosphere which will reduce the adversarial stance of administration towards faculty and staff will need to start with the HBCU Board of Trustees and the Presidential selection process. Effective Presidential leadership when coupled with the increased adoption of shared governance should result in increased viability and survival rates for HBCUs.

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predominantly White liberal arts institutions. *Journal of College Student Development*, 37, 415-424.

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Appendix 1: HBCUs Listed by Collective Bargaining Law Status

Name	Location	Contact Person	Question 1	Question 2	Question 3
Alabama					
States that do not have collective bargaining laws but allow collective bargaining					
<u>Alabama A&M University</u>	Huntsville, AL	Sherry	Yes	No	Will call back
<u>Alabama State University</u>	Montgomery, AL	Tina Harris	Yes	No	No
**Four-Year Private					
<u>Concordia College Selma</u>	Selma, AL				
<u>Miles College</u>	Fairfield, FL	205.929.1000	Spring Break	Spring Break	Spring Break
<u>Oakwood University</u>	Huntsville, AL	Ms. Silvia	They have a notice of employment	No	No
<u>Selma University</u>	Selma, AL				
<u>Stillman College</u>	Tuscaloosa, AL	Patricia Wilson			
<u>Talladega College</u>	Talladega, AL	Brenda	No	No	No
<u>Tuskegee University</u>	Tuskegee, AL	Renita Smart			
Two-Year Public					
<u>Bishop State Community College</u>	Mobile, AL				
<u>Shelton State Community College, C.A. Fredd Campus</u>	Tuscaloosa, AL	Nicki Franks			
<u>Gadsden State Community College, Valley Street</u>	Gadsden, AL	Kim Cobb	Yes	No	No
<u>J.F. Drake State Technical College</u>	Huntsville, AL				
<u>Lawson State Community College</u>	Birmingham, AL	Carol Champion			
<u>Trenholm State Technical College</u>	Montgomery, AL				
Arkansas					

States that do not have collective bargaining laws but allow collective bargaining					
Four-Year Public					
<u>University of Arkansas at Pine Bluff</u>	Pine Bluff, AR				
*Four-Year Private					
<u>Arkansas Baptist College</u>	Little Rock, AR				
<u>Philander Smith College</u>	Little Rock, AR	501-375-9845	Spring Break	Spring Break	Spring Break
Two Private					
<u>Shorter College</u>	Rome, GA	706-291-2121	Declined to Answer	Declined to Answer	Declined to Answer
Delaware					
Public school employees are permitted to bargain collectively. Majority vote is required for union representation from all eligible members of the bargaining unit. The state prohibits strikes by teachers					
Four-Year Public					
<u>Delaware State University</u>	Dover, DE	302-857-6060	Yes	Yes. American Association of University Professors	Requests that you send them a personal email
District of Columbia					
Four-Year Public					
<u>University of the District of Columbia</u>	Washington D.C.			UDC/NEA	
*Four-Year Private					
<u>Howard University</u>	Washington D.C.				
Florida					
The state constitution guarantees the right to collective bargaining but prohibits strikes by public employees. State statute defines "good faith bargaining," requiring parties to meet at reasonable times and places with the intent to reach a common accord.					
Four-Year Public					
<u>Florida A&M University</u>	Tallahassee, FL	Drew Holcomb	Yes	UFF	Yes
*Four-Year Private					
<u>Bethune-Cookman College</u>	Daytona Beach, FL				
<u>Edward Waters College</u>	Jacksonville, FL				
<u>Florida Memorial University</u>	Miami Gardens, FL	Ms. King			

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Georgia					
<p>Georgia is a "right-to-work" state, meaning unions and businesses cannot force employees to join or financially support a union. The Georgia Legislature passed such guidelines in 1947. Georgia State officials told us that teachers cannot negotiate salaries, benefits or class sizes. "While state employees are prohibited from striking, they have the right to express complaints or opinions relating to the conditions of their employment</p>					
Four-Year Public					
<u>Albany State University</u>	Albany, GA				
<u>Fort Valley State University</u>	Fort Valley, GA				
<u>Savannah State University</u>	Savannah, GA				
*Four-Year Private					
<u>Clark Atlanta University</u>	Atlanta, GA	404-880-8000	No	No	No
<u>Interdenominational Theological Center</u>	Atlanta, GA	Dr. Thomas			
<u>Morehouse College</u>	Atlanta, GA				
<u>Morehouse School of Medicine</u>	Atlanta, GA				
<u>Morris Brown College</u>	Atlanta, GA				
<u>Paine College</u>	Augusta, GA	Janet Henry-Davenport	No	No	No
<u>Spelman College</u>	Atlanta, GA	Davidson			
<p>Louisiana Collective bargaining is prohibited in this state</p>					
*Four Year Public					
<u>Dillard University</u>					
<u>Grambling State University</u>					
<u>Southern University and Agricultural and Mechanical College</u>					
<u>Southern University, New Orleans</u>					

*Four Year Private					
<u>Dillard University</u>					
<u>Xavier University of Louisiana</u>					
Two Year Public					
<u>Southern University, Shreveport</u>					

Name	Location	Contact Person	Question1	Question 2	Question 3
Maryland					
Maryland State Higher Education Labor Relations Board Regulations (Effective February 2011 and beyond), COMAR 14.30.01 ~ 11 allows collective bargaining in higher education					
Four-Year Public					
<u>Bowie State University</u>					
<u>Coppin State College</u>					
<u>Morgan State University</u>					
<u>University of Maryland Eastern Shore</u>		Marie, Billie (Refused to proceed)			
Michigan					
Statute permits bargaining by public employees. Negotiations by teachers limited under some circumstances. Strikes by public employees are prohibited. -					
Two- Private					
<u>Lewis College of Business</u>					
Mississippi					
Government employees and teachers do not have the right to collective bargaining. Strikes by teachers are illegal by statute					
Four-Year Public					
<u>Alcorn State University</u>		Ms. Carla Williams) will call back			

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<u>Jackson State University</u>		Patrice Sims	Yes	yes	www.jsums.edu/facultysenate
<u>Mississippi Valley State University</u>					
*Four-Year Private					
<u>Rust College</u>					
<u>Tougaloo College</u>					
Two-Year Public					
<u>Coahoma Community College</u>					
<u>Hinds Community College, Utica</u>					
Missouri					
Teachers at public schools have the right to bargain collectively. Statute does not grant a right to strike. -					
Four-Year Public					
<u>Harris-Stowe State University</u>					
<u>Lincoln University</u>					
North Carolina					
Collective bargaining was banned in North Carolina in 1959 by NC General Statute 95-98, which declared any contract between state or local government and any labor organization as “against the public policy of the state” and thus “illegal, unlawful, void, and of no effect.”					
Four-Year Public					
<u>Elizabeth City State University</u>			No	no	no
<u>Fayetteville State University</u>			No	no	no
<u>North Carolina A&T State University</u>			No	no	no
<u>North Carolina Central University</u>			No	No	no
<u>Winston-Salem State University</u>			No	No	No
*Four-Year Private					
<u>Barber-Scotia College</u>			No	No	No
<u>Bennett College</u>			No	No	No

<u>Johnson C. Smith University</u>			No	No	no
<u>Livingstone College</u>			No	No	No
<u>Shaw University</u>			No	No	no
<u>St. Augustine's College</u>			No	No	No
Ohio					
Statute permits bargaining by public employees. Strikes by public employees are prohibited. -					
Four-Year Public					
<u>Central State University</u>					
*Four-Year Private					
<u>Wilberforce University</u>					
Oklahoma					
Statute permits bargaining by all public school employees. Strikes by teachers are prohibited. -					
Four-Year Public					
<u>Langston University</u>		Beverly Smith	Will call back left a message		
Pennsylvania					
Statute permits bargaining by all public employees under the Public Employee Relations Act. Statute limits which employees may be included in a single bargaining unit. Public school districts are not required to bargain over the "inherent management policy" of the district. Strikes by public employees are permitted after conditions set forth in the statute are met.					
Four-Year Public					
<u>Cheyney University of Pennsylvania</u>			No	no	no
<u>Lincoln University</u>			No	no	no
North Carolina					
Many North Carolinians that workers in this state cannot legally join a union–this is absolutely false. Workers throughout the state and the country have the constitutional right to freely join a union. However, it is illegal for public sector workers (those who are employed by the state or local governments) in North Carolina to collectively bargain with their employer.					
Four-Year Public					
<u>Elizabeth City State University</u>					
<u>Fayetteville State</u>					

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<u>University</u>					
<u>North Carolina A&T State University</u>					
<u>North Carolina Central University</u>					
<u>Winston-Salem State University</u>					
Four Year Private					
<u>Barber-Scotia College</u>					
<u>Johnson C. Smith University</u>					
<u>Livingstone College</u>					
<u>Shaw University</u>					
<u>St. Augustine's College</u>					
South Carolina Collective Bargaining is prohibited					
Four-Year Public					
<u>South Carolina State University</u>					
*Four-Year Private					
<u>Allen University</u>					
<u>Benedict College</u>			Yes	No	No
<u>Claflin University</u>					
<u>Morris College</u>					
<u>Voorhees College</u>					
Two-Year Public					
<u>Denmark Technical College</u>					
Two Private					
<u>Clinton Junior College</u>					
Tennessee Negotiations by professional educators governed by the Education Professional Negotiations Act. Strikes					

by education professionals are prohibited. -					
Four-Year Public					
<u>Tennessee State University</u>					
*Four-Year Private					
<u>Fisk University</u>					
<u>Knoxville College</u>					
<u>Lane College</u>					
<u>Lemoyne-Owen College</u>					
<u>Meharry Medical College</u>					
Texas					
Statute prohibits public employees from entering into a collective bargaining agreement. Statute also prohibits strikes by public employees. -					
Four-Year Public					
<u>Prairie View A&M University</u>					
<u>Texas Southern University</u>					
*Four-Year Private					
<u>Huston-Tillotson University</u>					
<u>Jarvis Christian College</u>					
<u>Paul Quinn College</u>					
<u>Southwestern Christian College</u>					
<u>Texas College</u>					
<u>Wiley College</u>					
Two-Year Public					
<u>St. Philip's College</u>			no	no	no
Virginia					
No collective bargaining statute governs public schools. Teachers in this state should consult relevant case law to determine when collective bargaining is permitted.					
Four-Year Public					
<u>Norfolk State University</u>			No	No	NO
<u>Virginia State University</u>					

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**Four-Year Private					
<u>Hampton University</u>					
<u>Saint Paul's College</u>					
<u>Virginia Union University</u>			no	Yes-Faculty Senate	no
<u>Virginia University of Lynchburg</u>					
West Virginia					
No collective bargaining statute governs public schools. Teachers in this state should consult relevant case law to determine when collective bargaining is permitted. -					
Four-Year Public					
<u>Bluefield State College</u>			NO	No	No
<u>West Virginia State University</u>			No	No	No
U.S. Virgin Islands					
Public sector collective Bargaining allowed in the Virgin Islands.					
Four-Year Public					
<u>University of the Virgin Islands</u>					

*In recent years, most academic unionization has occurred at state institutions rather than private colleges and universities. The expansion of faculty collective bargaining into private institutions was, for all intents and purposes, halted in 1980 when the U.S. Supreme Court, in *National Labor Relations Board (NLRB) v. Yeshiva University*, held that faculty at that institution were "managerial employees" and thus excluded from the coverage of the National Labor Relations. However, in Jul, 2012 the AFL-CIO and all three major faculty unions (one acting with the AFL-CIO), urged the National Labor Relations Board to let the Point Park professors unionize, and to reconsider the way a 1980 Supreme Court decision -- *NLRB v. Yeshiva University* – has largely blocked collective bargaining for private college faculty members.