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An Update on Shared Governance and Unions at HBCUs

Elizabeth K. Davenport

Introduction

Faculty governance is experiencing new pressures as a result of changes in established practices in higher education. As a result of salary compression and inversion and increased workloads and non-optimal working conditions, faculty is seeking alternative ways to impact decision-making in higher education. Union activists on higher education campuses are energized by these efforts as they seek new and comparable salaries for faculty as a result there is a renewed interest in collective bargaining.¹ Staff and faculty collective bargaining is heightened by the attention on salary requests. Therefore, faculty unions have kept collective bargaining rights as the nucleus of a national discussion of these issues. The increased dissatisfaction of college and university faculty and staff, that has translated into a heightened level of unionization of higher education faculty. As a matter of fact, because of the heightened attention to higher education faculty unionization, I was elected as a National Education Association (NEA) University and College Director at-Large at the last representative assembly. In fact, my, and the three other College and University Directors –at-Large’s, election was due to the immense growth in faculty unionism.

Can shared governance co-exist with unions and collective bargaining? Has the growth in unionism at Predominantly White Institutions (PWI) resulted in a corresponding growth of unionism at Historically Black Colleges and Universities (HBCUs)? These are the questions that now exist on many higher education campuses. With a focus on shared governance and academic collective bargaining at HBCUs, this article scrutinizes the meaning of shared governance and faculty unionism. In addition, this article considers the role of collective bargaining in faculty participation and shared governance.

Collective Bargaining

Collective bargaining is a bilateral process. It has the weight of the law which conveys equal power to both administrations and unions. Its purpose is to negotiate terms of employment which also include workload, salary, and benefits.² According to the American Federation of Teachers (AFT), collective bargaining provides conditions for real negotiations to take place by providing equality between the teaching staff and administration. It is similar to shared governance, but it is enforced by the weight of law. When academic or faculty senates coexists with a collective bargaining system it provides structure and involvement of all parties involved in the higher education institution.³

This raises a complex question about shared governance and collective bargaining.

According to Minor and Tierney⁴:

Over the past decade, numerous arguments have been put forth that campus governance needs to be revised to meet new challenges. Expanding faculty, executing distance learning, making external partnerships, enlarging fund-raising, and reevaluating admission standards are matters that require knowledgeable and expedient decisions. For some people, these topics make decision-making contexts that are in opposition to the time honored reverence of shared governance. For others, shared governance is a barrier to the successful decision-making rather than its medium.⁴

This matter exists even on my own campus, an HBCU. I believe that shared governance could and should co-exist with collective bargaining. In the state of Florida, unions are constitutionally sanctioned, and workers have a constitutional right to collective bargaining.⁵ I presume that collective bargaining can and does fortify shared governance. Therefore, to me, shared governance should be supported by all divisions of the university community and must be supported and examined alongside the collective bargaining process when it is accessible. However, it is this issue

that HBCU faculty and administrators ponder.

HBCUs Defined

Historically Black College and Universities were established to give African American citizens equivalent educational opportunities and were established and accredited before 1964. In 1965, HBCUs were officially defined by Congress in Title III of the *Higher Education Act of 1965*. The first HBCU, Cheney University in Pennsylvania, was founded in 1837.⁷ Today, 103 HBCUs exist, and many HBCUs are approved by nationally acknowledged accrediting agencies.

HBCUs represent far more than their quota of African American professionals. While HBCUs represent just 4% of the country's higher learning institutions, they produce nearly one-quarter of African Americans who merit undergraduate degrees. Over half of all African American professionals matriculate from HBCUs. Nine of the top ten colleges that matriculate the most African Americans who merit Ph.D.'s are HBCUs. More than 50% of the country's African American public school educators and 70% of African American dentists merit degrees at HBCUs. United Negro College Funds (UNCF) members Bennett College and Spellman College produce over half of the country's female doctorates of African American descent in all science fields. Despite these magnificent statistics, since the Civil Rights movement opened the doors of traditionally white colleges and universities to ethnic students, some policymakers have questioned the usefulness of HBCUs, debating that they have no justification in an integrated system of higher education.

However, HBCUs are still needed. More than half of all HBCUs are publicly-supported, which allows for union organizing campaigns on their campuses. Southern states including Georgia, North Carolina, South Carolina, Texas and Virginia do not allow collective bargaining for teachers.⁸ *U.S. NLRB v. Yeshiva*⁹ have prevented faculty at privately held HBCUs from forming a union.

Shared Governance at HBCUs

bottom of any ranking of faculty involvement in shared governance. Faculty governance and involvement at HBCUs are mainly chronicled as unproductive, prolonged, poor, worthless, and unable to quickly react in today's quickly changing higher education situation.¹⁰ Thus, HBCUs not only face a calamity regarding their own existence, but in terms of shared institutional governance as well. It is commonly presumed that to ensure availability of adequate resources for African American pupils, HBCUs must evaluate and expand the decision-making role of faculty governance and analyze the internal and external challenges that serve to impede their success.¹¹

Shared governance is a hard state to achieve because the notion is concept specific. Susan Feiner states, “(Administrators) seem to think shared governance means that they make a decision and then invite us (faculty) to a meeting and tell us the decision, which is *not* shared governance¹² In the arena of shared governance, the faculty provides an extremely important voice.¹³ James T. Minor, currently Deputy Assistant Secretary at the U.S. Department of Education, has written the majority of research related to faculty governance at HBCUs. In his research, Minor details the problems at HBCUs in terms of the lack of structure for empowering faculty senates, institution-wide understanding or lack of understanding of shared governance, and a need for a cultural shift that enhances faculty and administrative trust and communication.¹⁴ According to Minor, although many functional elements of HBCUs such as teaching and learning, are similar to PWIs, the historical foundations, cultural aspects, student population, and racialized climate makes many HBCUs unique.¹⁵

Research indicates that 75 percent of HBCU provosts saw shared governance as an important part of the governance structure at their institution; conversely, 75% of HBCU faculty did not think the concept was valued at their institutions.¹⁶ In 2002, Ivory Phillips noted that the lack of participation in academic decision-making at HBCUs has allowed more than a few black colleges to make academic program decisions without faculty input.¹⁷ In his article, he noted

the nine issues weakening the successful implementation of shared governance at HBCUs included: lack of faculty representation on policy and decision making bodies; inconsistent processes for academic personnel searches and hiring; faculty governance; promotion and tenure procedures; peer and administration evaluations; salary determinations; program development, review and revision; faculty handbook evaluation and review; administrative transparency; respect for faculty senate and other faculty constitutive bodies. Beverly Guy-Sheftall¹⁸ discussed how empowering HBCU faculties could benefit all constituencies. Guy-Sheftall observed that assertive, committed, and engaged faculty members are critical to the well-being and continued growth of any college, while passive, disengaged, or fearful faculty members contribute to institutional stagnation and imperil its future.¹⁹ Marybeth Gasman's research²⁰ analyzed the significance of enrollment shortages, endowment shrinkage, and tightened budgets on the leadership methods of HBCU presidents, noting the culture, leadership and role that HBCUs plays in the faculty's involvement in shared governance.

At my institution, FAMU, the job of making a culture of shared governance has been difficult, more specifically during the administration recently ending in 2016. The former administrator functioned under a top down theory of leadership and shared no power with the faculty despite being in a state that allowed collective bargaining negotiations were an ongoing disaster. For example, according to the Faculty Constitution, the President and faculty should assemble and explore issues of concern to the faculty twice a year. In the first year, the former President orchestrated a poorly organized town meeting concerning FAMU's recent performance on the Board of Governor's Performance Based Funding Model Metrics. The second year of year of her administration, the former President just did not meet with faculty. As stated in the Constitution, the President should initiate committees, advisory bodies and council's to align the performance of the University with the consent and advice of the faculty senate. The former administration did not create these advisory bodies. In fact, more exclusion existed than inclusion. The former Provost renamed the Dean's Council and dismissed long-serving

faculty representatives from the Faculty Senate. We never knew the name of this new committee. Finally, requests for consultation by United Faculty of Florida (UFF) FAMU on relevant matters concerning the conditions and terms of contracts went chiefly ignored, and when they were granted, it appeared that the Administration simply did not get it. Specifically, an April 19, 2016 email appeal for a presidential consultation, highlighting “Flagrant violations of the Collective Bargaining Agreement” were ignored by the Administration.²¹

However, the collective bargaining culture revived with the inauguration of a different leader. In September of 2016, The former President (Elmira Mangum) accepted an offer to step down as President of FAMU. The FAMU Board of Trustees approved her separation agreement, and Larry Robinson was named the interim president. Notwithstanding the union’s impasse declaration, Interim President Robinson continued to negotiate with faculty and an agreement was subsequently reached. On February 6th 2017 the resulting contract was endorsed by a vote of 122-0²². Therefore, a change of leadership was the impetus to the resolution of the contract proving that leadership readiness is a necessary element for HBCU union success.

Academic Unions

The unionization of all sectors of the higher-education workforce, including tenure-track faculty, support staff, graduate student employees, and academic professionals, is the ultimate goal of academic collective bargaining. Unions are organized associations that use their common power to voice opinions on matters regarding employment. Workers in a union have the right to impact wages, health, benefits, safety, work hours, job training, and other work-related matters by involvement in the collective bargaining process. The Florida Constitution grants all faculty the right to join a union.²³ Unions furnish faculty with support that guarantees they are able to work in a safe and fair culture. In Florida, respect and fairness on the job are some of the principal reasons employees have organized unions; this is chiefly true of academic unions.

Florida has routinely underfunded higher education and has had to execute harsher

accountability standards.

Nationally, many benefits, such as overtime pay, minimum wage, social security payments, and the Occupational Safety and Health Act (OSHA) and the Americans with Disability Act (ADA) are all securities Americans enjoy as a consequence of the labor movement.²⁴ Higher education collective bargaining functions similarly. According to the NEA, there are four fundamental reasons for faculty to take part in collective bargaining:

1. To attain greater association in the decision-making process, to fortify shared governance.
2. To get clearly defined conditions of employment, including a fair and successful grievance process to rectify discord.
3. To achieve a negotiated, collective agreement that is stable, secure, and legally binding. The terms will reflect faculty concerns, and the terms cannot be changed without full faculty involvement.
4. To increase legislative advocacy, lobbying, presence, and pressure.²⁵

Currently, over 430,000 faculty members and graduate students at more than 500 institutions and 1,174 campuses are represented by collective bargaining agreements.²⁶ In Florida, the United Faculty of Florida (UFF), an organization in which I am the State First Vice President and a local chapter president (UFF-FAMU), represents 20,000 faculty members at eleven colleges and community colleges, all twelve of Florida's public universities, and the private college of St. Leo University. UFF also represents 8,000 graduate employees at four universities.²⁷ Three different colleges have joined the Florida union movement in the last year.²⁸ The faculties organized to protect against threatened job security and have a voice in decisions made on their campuses regarding working and learning conditions on campus.²⁹

Florida is not the only state where collective bargaining has interest. NEA represents more than 200,000 higher-education faculty, staff, educational support professionals, and

graduate assistants on public and private campuses.³⁰ They include faculty across the nation, from community and technical colleges in Washington State to Tier 1 research universities in the Florida, California, Massachusetts, Florida, and Maine, systems. Through collective bargaining, employees have developed a magnificent list of achievements that benefit staff, faculty, and students alike. NEA's website highlights the following achievements:

- A Western Washington University contract that takes new ground on faculty workload, tying it clearly to the number of students in each class, including online classes;
- A Massachusetts Community College Council contract that provided wage hikes and job protections to its 5,000 part-time faculty members, additional pay to attend campus meetings and training sessions, and greater access to classes for veteran instructors;
- A Klamath Community College contract, its first one ever, that established a grievance process, workload limits, and pay raises, and even email addresses for adjuncts;
- An Eastern Washington University contract that tied faculty salaries to market rates, an innovative approach that created raises as big as \$18,000.³¹

Like NEA, AFT now represents over 200,000 higher education members in all types of institutions, from small community colleges to world-class research universities, across the country.

Unions and HBCUs

More than a third of all nonprofit public and private colleges have faculty unions, but less than one-tenth of HBCUs have faculty unions.³² Despite a scattering of unionization in various HBCUs across this country, unions for both adjunct and full-time faculties remain scarce at historically black colleges and universities. Some experts believe that this scarcity is due the location of the majority of HBCUs in southern states with strict anti-labor laws.³³ Some theorize that unionization is contrary to the culture of these campuses, where faculty is suspicious of higher education's increased reliance on contingent faculty, a development that has "turned what was once

a good middle class profession, college teaching, into a low wage, no benefit job without any job security.”³⁴ Like Florida, increased unionization efforts at HBCUs are responses to autocratic behaviors, or in the case of adjuncts, economic security.

This topic was addressed in 2014 at the annual conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions. Panelist Derryn Moten, co-president of the Alabama State University (ASU) Faculty-Staff Alliance, an AFT affiliate, stated that many faculty members resist faculty unions due to the political interference and neglect that many HBCUs have experienced. His ASU colleague stated that many faculty members view unions as hostile to their colleagues and consider unions to be agents of past discrimination against African American workers. I also served on the panel, and I asserted that unions could serve as an agent to merge rather than separate. Unions can also offer HBCU employees a voice in the functioning of their institution.

There have been some HBCU union victories. Currently, the American Association of University Professors (AAUP) represents faculty at five HBCUs: Delaware State University, Edward Waters College in Florida, Central State University in Ohio, Wilberforce University in Ohio and Lincoln University in Pennsylvania. The American Federation of Teachers (AFT) and National Education Association (NEA) jointly represent Florida A & M University³⁵. NEA represents University of the District of Columbia, Lincoln University and Harris Stow (both located in Missouri) . NEA also represents faculty at Alabama A&M University, Alabama State University and Lawson State College. Union organizing campaigns are currently being arranged across the country.

Conclusion: I Believe in Unions Because We Are Better Together

If we have learned anything from the 2016 election cycle, it is that we are *Better together* and when the collective bargaining process functions correctly, good things happen; when it does, the community of persons working together. On that principle,

Hillary Clinton got it right. That is why I am a proponent of shared governance and collective bargaining as both clearly represent an “all minds/hands on deck” philosophy. As Henry Ford once said, “coming together is a beginning; keeping together is progress; working together is success.” We need this at my institution. In the fourteen years I have worked at FAMU, we have functioned in separate silos, i.e., administration vs. faculty. However, to make FAMU and other HBCUs the best they can be, we --- the HBCU administration and faculty, need to cooperate and develop an entirely new paradigm and practice of collaboration. This new paradigm will replace the traditional silo structure that has separated us for decades and replace it with networks of partnerships that work together to create academically strong and flourishing institutions able to successfully withstand the outer and inner turbulence and fuel our continued success.

End Notes

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