

Article

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FACULTY UNIONISM AND COLLEGIAL DECISION-MAKING COMPATIBLE OR CONTRADICTORY?

ROY J. ADAMS

In a recent essay H. D. Woods argued that the adoption of collective bargaining by Canadian university faculty members posed a serious threat to collegial decision-making on campus.¹ Woods denotes five areas of decision-making which «taken together indicate the *sine qua non* of academic freedom.» These are:

Freedom to select teachers;
Freedom to determine curriculum;
Freedom to decide on teaching method;
Freedom to select and promote students;
Independent selection of research projects and the pursuit of knowledge.

It is suggested that these freedoms will be eroded by the achievement of «genuine unionism» which will «convert the university into an authoritarian managerial hierarchy on the one hand, and a managed employee group of academic staff on the other». This is so, according to Woods, because collective bargaining is adversarial in nature and thus will result in «splitting the universities horizontally».

We suggest that Woods' thesis is incorrect in several respects. Rather than being contradictory, collective bargaining and collegial decision-making are complementary processes. Unionization is an instrument which may be effectively used to support, rather than undermine, academic freedom. Moreover, by unionizing, faculties increase rather than decrease their influence over university affairs.

To begin with, the freedoms noted by Professor Woods exist in most universities at the discretion of the administration.² Their tenuous nature is indicated by several recent incidents. At the University of Manitoba the president unilaterally decided to apply a quota on the number of professors who would be allowed to achieve tenure, thus severely restricting the «right» of the faculty to select permanent colleagues.³ At Notre Dame University in Nelson, B.C., the administration attempted to unilaterally discontinue the tenure system which is the primary safeguard of academic freedom. The president of St. Tho-

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¹ H. D. WOODS, «Collective Bargaining and Academic Freedom: Are They Compatible?» *Relations Industrielles*, Vol. 30, No. 4, 1975.

² University Senate's do often have certain rights granted by law, however.

³ These incidents have been reported in various issues of the *CAUT Bulletin*. See especially the articles by Donald C. SAVAGE, «Professional Societies and Trade

mas University challenged a petition by the faculty to become a certified union by claiming that he had an absolute right to decide university policy, free from union interference, under the University Act. His claim was not, however, upheld in the courts. At Simon Fraser University the administration temporarily suspended the arbitration clause of the tenure agreement and fired several professors. The principal of Algoma University College in Ontario over-ruled a faculty recommendation that a sociology professor of Asian origin be given a regular appointment because the sociology department would then be entirely staffed by Indians. The principal instead forced the acceptance of a less well-qualified American. The Indian professor charged the university with discrimination and the principal's decision was overturned after a legal battle.

This list of incidents of administrative usurpation of presumed faculty «rights» is by no means exhaustive. Rather, in an era of financial uncertainty, the list has been growing rapidly. However, it must be admitted that the faculty prerogatives specified by Woods do exist (to some degree) in practice on most university campuses in Canada. In part, this is due to democratic traditions and the high value placed on free inquiry by the university community. It is also due, in part, to informal pressure exerted by faculty members for more influence on university governance during the past few decades. There are also very practical reasons for collegial decision-making.

There is general consensus among most professors and administrators that teaching and research excellence is the overriding *raison d'être* for the existence of universities, and collegial decision-making is designed to achieve these goals. Teacher and student selection and promotion, curriculum determination, teaching methods, and research strategy are, experience suggests, best decided by responsible experts; and it is the faculty, not the administration, who have the necessary expertise to make adequate judgements.

For these practical as well as political reasons university administrators have acquiesced to the exercise of collegial decision-making. Collective bargaining would not invalidate the value of collegiality. Rather, it provides the faculty with an instrument that is more powerful than any currently available for upholding collegial «rights». The early evidence indicates that many faculty members have turned to collective bargaining for precisely this reason. At some Canadian universities collegial structures have been created only subsequent to the establishment of collective bargaining.⁴ Moreover, contrary to

Unions, the Canadian Experience in Higher Education», March, 1973 and «Collective Bargaining: The State of the Nation», September, 1974.

⁴ «Faculty Organizing: Special Report», *White-Collar Report*, No. 989, March 26, 1976 and Mark THOMPSON, «Collective Bargaining in Canadian Universities», *IRRA Proceedings of Annual Meeting*, Dallas, 1976. The St. Mary's agreement, for example, created faculty councils while the Carleton agreement created a representative form of governance for librarians.

Professor Woods' hypothetical suppositions, evidence to date indicates that collective bargaining and collegiality may co-exist satisfactorily.⁵

Another difficulty with Woods' thesis is the raising of the bugaboo of adversarialism. What this term means precisely has never been clear to me. Those who use it usually fail to define it explicitly but it seems to include the following characteristics:

- a. deep distrust between employee organizations and management.
- b. the continual use or threat of force.
- c. blind adherence to the ideology of one side or the other.
- d. the absence of co-operative efforts to the advantage of the enterprise as a whole.

Many observers of North American industrial relations, including Professor Woods, hold the view that collective bargaining and adversarialism are necessary concomitants. I suggest that this proposition is not an adequate representation of experience. The adversarial model does approximate conditions in many union-management situations in Canada; but it is neither so pervasive, nor so inevitable, as we are led to believe. There are, in fact, many union-management relationships which are quite amicable. Although not the norm, there are large numbers of employers who openly admit that they could not do their job so well in the absence of a union. The Union-Management Services Branch of the Canada Department of Labour has continually worked to establish, often successfully, co-operative mechanisms in unionized companies. In wider perspective, the compatibility of co-operation and negotiation is nowhere more clearly illustrated than in Germany where co-determination and collective bargaining have successfully co-existed for a quarter of a century.

Adversarialism, where it exists in Canada, is, we suggest, primarily the result of management intransigence — the obstinate refusal to share power. Because of the historical record, adversarialism is now built into the psyche of many industrial unions who suspect all management motives. In the university no such tradition exists. Rather, the propensity of most faculty members is to be co-operative. Thus, university administrators, when faced with the possibility of unionization, have the opportunity of developing a viable co-operative system. If they should adopt the strategies of their industrial counterparts and

⁵ E. D. DURYEY and R. S. FISK and Associates, *Faculty Unions and Collective Bargaining*, San Francisco, Jossey-Bass, 1973; James P. BEGIN, «Faculty Governance and Collective Bargaining, An Early Appraisal», *Journal of Higher Education*, Vol. XIV, No. 8, November, 1974; Michael A. FALCONE, «Collective Bargaining: Its Effects on Campus Governance», *Academic Collective Bargaining Information Service*, Special Report, No. 16, February, 1975; I. B. MCKENNA, *CAUT Handbook on Collective Bargaining*, CAUT, Ottawa, 1976.

'fight' unionization, hostile adversarialism will probably be the outcome. Unfortunately, this reaction seems to be the norm to date in Canada.⁶

Missing from Professor Woods discussion was any consideration of compensation and employment security. In general, administrations have until now wielded unilateral power concerning these issues. Despite many reports to the contrary, faculty salary deterioration has been in evidence for the past several decades. During the «golden era» of the 1960's, for example, the average annual salary increase for university teachers was well below that of medical doctors, lawyers and dentists. Thus, the average salary of professors, which was inferior to that of other professionals at the beginning of the 1960's, had deteriorated even more in relative terms by 1970.⁷ The real crunch, however, came during the 1970's when not only was salary a problem but, in addition, there came serious threats to employment security.⁸

Nor does Professor Woods note the inadequate nature of appeals procedures on most Canadian campuses. These procedures are usually poorly specified. It is not uncommon for the principal administrator or governing board to have the prerogative of making the final judgement. Processes which lead to neutral, unbiased decisions are rare.⁹

Several faculty associations in Canada have attempted to address these issues via co-operative approaches. Typically, they have formed committees which document the case of the faculty, and informal discussions with the administration ensue. In some cases this approach has been satisfactory to date, but in many cases it has not been.

Concerning compensation and employment security, for example, where administration and faculty disagree, it is the administration which makes the final, unilateral decision and there is little or nothing the association may do in response. Nor is the administration under any formal compulsion to discuss such issues if it chooses not to do so. In such a situation the faculty is at the mercy of the administration to conduct itself in a benevolent, concensus-seeking manner. Given the uncertainties of the times, reliance on administration good will is, we believe, poor insurance against unacceptable developments. Where faculty associations and other professional groups have unionized, it is usually because more co-operative approaches were first tried and found to be inadequate.

⁶ See THOMPSON, op. cit. The Canadian experience has not been entirely negative, Ian MCKENNA of the CAUT has pointed out to me in correspondence, that «a spirit of co-operation has existed throughout the collective bargaining process» at both the University of Ottawa and the University College of Cape Breton.

⁷ David DODGE, «Artificial Restrictions in Labour Markets», *Canadian Perspective in Economics*, Collier-Macmillan Canada Ltd., 1972, and *OCUFA Newsletter*, September, 1973.

⁸ THOMPSON, op. cit.

⁹ See, for example, Israel CINMAN, «Arbitrary Decision-Making May Lead to Censure», *CAUT Bulletin*, May, 1975.

Under collective bargaining the administration is legally obliged to negotiate with the faculty over all issues of concern. If no satisfactory resolution is reached then conciliation may be turned to in the first instance. If the administration is willing, arbitration may be used as a final step. If the administration is unwilling then the faculty may legally withhold its services pending a satisfactory solution.

By law grievance procedures ending in binding arbitration must be established for the resolution of all disputes arising out of the collective agreement. Present appeals procedures might continue but, under collective bargaining, faculty members would have the opportunity of their cases being reviewed and judged by an unbiased third party should traditional procedures prove unsatisfactory.

Although many administrators react as though faculty unionism were a personal insult to them, in fact collective bargaining has the potential to be a benefit to the entire university community. Under law, the collective agreement is inviolate. Administrators and faculty associations may utilize this fact to negotiate clauses which insulate the institution from the pressure of governments for «more scholar for the dollar». Moreover, with a strong, organized faculty association in residence, the bargaining power of the president should increase vis-à-vis the government in budget negotiations.

CONCLUSION

Concerning such issues as curriculum, teaching, research, and teacher selection, collegial procedures make practical sense; and, where decisions are made responsibly, they are to the benefit of both the faculty and the administration who usually agree on the primacy of academic excellence. Bureaucratic decision-making concerning such issues would almost certainly produce a poorer quality university to the detriment of all concerned. Where administrators are tempted to bureaucratize these aspects of university life, collective bargaining may provide a bulwark against such incursions.

Where faculty members are not unionized, they have little power to effectively influence decisions concerning compensation, employment security and internal justice. Through long experience, collective bargaining has accumulated a record as being the instrument that is most capable of effectively resolving disputes over these issues. Faculty unionism does not, as Professor Woods suggests, split the university horizontally. Concerning compensation, etc., the split exists prior to unionization. Collective bargaining is a way of ensuring that both sides have a say in the determination of these conditions of employment, thus producing more commitment by each side to the outcome of negotiations.

In conclusion, we suggest that collective bargaining and collegiality are not contradictory. Rather, certification as a trade union is simply a means which faculty members may utilize to counter the

power of the administration, thereby consolidating and expanding their influence on university government. Collective bargaining may also be an effective method for administrations and faculties to jointly use in moderating the influence of government on the universities.

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