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Adversarial, But Not Hostile

By Alan Heineman

USF did not figure in the marvelous Fall issue of *Conversations*. Since we have had rather an unusual recent history and since I have been involved in governance at the University of San Francisco for more than 30 years, I hope to contribute to the discussion, albeit in an incomplete and insufficiently documented manner.

First, almost any form of governance will work fairly well when the parties, chiefly the administration and the faculty, possess good will and a shared vision. Almost no form will work in the absence of these qualities. Achieving this mutuality is Job One.

Responding to a range of economic and governance outrages, USF's full-time faculty unionized exactly 30 years ago. For the first dozen years, when the administration refused to accept, much less cooperate with, the USF Faculty Association (AFT #4269), life on our campus was miserable: academic integrity suffered constant assault, student attrition reached epidemic levels, and campus morale plunged.

When, in 1988, for a variety of reasons, the administration was finally compelled to accept the union, a period of enhanced prosperity and academic quality began that has continued, exhilaratingly, to the present. The quality and quantity of both students

and faculty has skyrocketed (applications are up more than 70 percent in the last 3-4 years alone; scholarly productivity has

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increased perhaps five- or ten-fold, new facilities are being constructed at a dizzying pace following two massive, successful capital campaigns, and economic conditions for the faculty are now highly satisfactory. The university community's current morale is extraordinarily high.

Thus, unionization has ultimately worked extremely well for us, despite intensely painful beginnings and continuing questions. But why choose it over more traditional models of self-governance?

To begin with, the term "shared governance" itself is a misnomer.

Most such systems are adumbrated in a faculty handbook, and virtually every faculty handbook in America notes at the beginning that it may be altered at will by



A high-tech classroom in The Sellinger School of Business and Management building at Loyola College in Maryland.

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the Board of Trustees. Thus, most rights and processes of governance exist purely at the sufferance of the administration and can be legitimately revoked if that is desired.

Also, see Fr. Locatelli's remarks in the Fall *Conversations*: "My role in the governance in

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terms of policy issues is basically to assess the recommendations that come up from the policy committee, compare them with competing interests, financial implications, impact on the university, and make a decision at that point in time, or take it to the board of trustees for a final decision...Tenure decisions are made by the president."

I intend no criticism of the highly successful, widely admired

Fr. Locatelli; most university presidents would describe governance in quite similar terms. But consider: if the administration and trustees make all final decisions, and allow to stand only those recommendations by faculty or senate bodies with which they agree (or don't disagree too vigorously), then there is no "shared governance." Rather, a benevolent autocracy—and in the worst cases, delete "benevolent."

But perhaps one means shared *self*-governance. Most faculties have a major role in decisions affecting themselves and their work: hiring, promotion, tenure, curriculum, low-level budget allocations, etc. But how many faculties have any role in the promotion or retention of administrators, admissions and financial aid policies, strategic planning, goal-setting for capital campaigns, etc.? Are meetings of high-level administrators open to faculty or students, as senate meetings usually are? Are minutes published?

In other words, the sharing mainly runs in only one direction: toward faculty affairs. This dynamics may be defensible, necessary, even good, but it does not meet any meaningful definition of mutuality.

Conversely, collective bargaining really does make the two major parties, faculty and administration, equals in negotiating and administering a contract. Whatever is contractually agreed to *may not* be unilaterally altered. And contrary to the conventional wisdom that "union" matters (wages, hours and working conditions, i.e., filthy lucre) should be delegated to the union

Saint Peter's College biology professor, Dr. Laura Twersky, discusses genetic theory with her students.



but governance matters to a more traditional, collegial bodies, at USF the faculty has insisted that "working conditions" include many aspects of traditional governance, and that the union speaks for the faculty in many matters usually pushed outside the collective bargaining arena. This has given faculty more power in both economic and some non-economic areas.

Because of the wrongly decided *Yesbiva* case (too complex to discuss here), unionized faculty under the law are defined as employees and not managers and may not make final decisions in many governance matters. However, we can enforce the requirement that the administration observe all the contractually stipulated processes, that the appropriate representatives are consulted in a timely manner, that tenure or promotion decisions follow the contract (as to both procedure *and* substance). Alleged violations are taken through an appeals process and (if necessary) binding third-party arbitration. As relations between faculty and administration have steadily and substantially improved, increasingly fewer arbitrations are held—one or two a year, at most—but the hard-won right remains.

This indicates, in shorthand, many of the advantages of collective bargaining as we see and live it. There are of course disadvantages, especially that *Yesbiva* itself precludes faculty from exercising "decision-making or effective recommendatory power" in areas where faculty *must* do so. Consequently, we have had either to renounce participation in some of these areas or to resort to overly elaborate procedures.



Fordham University.

Then too, because the contract is between "the University" (i.e., management) and the Faculty Association, the legal relationship excludes parties who should be included in governance, most notably the students. Again, we have needed to be creative in ensuring that the students' (or other relevant sectors') voices are heard. This is an ongoing and unresolved process.

Finally, although a unionized relationship need not be hostile, it is always to some extent adversarial. This is not necessarily bad; it simply formalizes the underlying tension in nearly every university over conflicting views on resource allocations, development strategies and other crucial issues. A unionized setting enables such con-

flicts to be worked through in a clearly delineated, mutually respectful way, which can actually reduce the subterranean, internecine backbiting, gossiping and resentment that result when these conflicts are suppressed. Nevertheless, many would prefer to operate in a more collegial manner.

But this returns me to my beginning. The word "collegial" has religious origins. It means serving or choosing together, and implies that there is no leader, that all within a collegial relationship are equals, subordinate only to Jesus, in the case of the Apostles, to whom it was first applied, or to the Pope in the case of the Cardinals, another early usage. (One dictionary notes, "See synonyms at *partner*:") Most universities' governance systems do not meet this sense of collegiality, and most faculties feel this lack at one point or another. The Fall *Conversations* makes valuable contributions toward reducing the shadow that falls between the idea and the reality, between the motion and the act. ■