ABSTRACT

FACULTY UNIONS AND THEIR EFFECTS ON UNIVERSITY SHARED GOVERNANCE

By

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Unions have been a part of many university political landscapes for over four decades. During the early years of faculty unionization, researchers explored the effects of faculty unionization on university governance bodies and the shared governance process, but the results of these initial inquiries were often mixed. Nonetheless, several researchers predicted that over time the union would have the effect of diminishing the influence and power of faculty senates as the union’s strength and influence grew. Employing several Southern California CSU campuses as the study’s primary research site, this qualitative study further explored the impact of faculty unionization through the eyes, ears, and experiences of thirteen faculty senators. This process provided the participants an opportunity to individually reflect on the events and issues most relevant to their experiences with shared governance from their own vantage point, allowing me to unearth a richer and thicker description of their perceptions and views. The result was a dialogue that yielded responses that were unconfined by predetermined or conventional responses which in turn allowed me to explore the question of whether or not faculty
unionization results in a loss of power and influence for faculty governance bodies by using the participant’s own experiences as a window to the phenomenon.
FACULTY UNIONS AND THEIR EFFECTS ON UNIVERSITY

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CHAPTER 1
INTRODUCTION

Background

The development of today’s faculty unions is rooted in the history and evolution of the nation’s craft-based and industrial labor movement (Graham & Walters, 1973). Since the nation’s founding, American workers, in response to economic changes (i.e., expansion of capitalism), exploitative practices, and unsafe working conditions collectively organized to address often times deadly or crippling workplace hazards in order to improve their economic circumstances and to address a variety of other terms and conditions of employment. Workers created associations, commonly known today as labor unions, for the purpose of securing collective bargaining agreements that spelled out a variety of terms and conditions of employment such as pay rates, work hours, and more.

Craft labor unions, organizations of workers based on a particular skill or trade, served as a blueprint for the development of the nation’s industrial unions, and later for the development of professional unions. A significant feature of craft unions was that they sought to control the organization of the work itself as a primary objective because it related to both their economic and professional interests. However, as industrialization swept the nation many craft unions either evolved or disappeared in response to the
industrial revolution that mechanized and fragmented the work process traditionally controlled by the skilled craftsperson.

Today’s professional unions (faculty, nurses, doctors, architects, etc.) reflect the vestiges of craft unions as organizational models and in many ways are an evolved resurgence of the craft labor movement because professional unions, much like the early American craft unions, are similarly focused on maintaining organizational control of the work process (i.e., classroom pedagogy) and establishing professional norms and protocols for the profession in addition to addressing the economic issues common to all labor unions. Faculty unions share this common heritage with other professional labor unions, but because of the unique context of universities as workplaces, faculty unions must also navigate the organizational structures and processes that existed long before unions ventured into the arena of higher education. Noting this differentiation, DeCew (2003) observes that “unionization for faculty is more complex than for traditional unions in industry, not only because of political and economic forces but also because of issues and values peculiar to the profession, including tenure and academic freedom” (p. 4).

One particular institutional process unique to higher education is the process of shared governance, a form of decision-making that involves many constituents of the university community. It is a process that preceded the introduction of collective bargaining on college campuses and provides faculty a level of control and influence in university decisions, particularly with regard to academic matters.

Indeed, the principle of shared governance is a key element of most university policy-making and business decisions. The American Association of University Professors (AAUP) and the Association of American Colleges and Universities...
(AAC&U) have been two organizations arguably most responsible for articulating higher education institutional standards of governance. Particularly for faculty, the AAUP has emerged as the voice on matters of shared governance, academic freedom, and retention, tenure and promotion practices, and is the organization most prominently referenced in relation to the meaning of shared governance (Wilson, 2007). Since its founding in 1915, AAUP has been at the center of the debate and policy setting on matters pertaining to higher education and the articulation of university policy norms.

According to AAUP, shared governance:

refers to governance of higher education institutions in which responsibility is shared by faculty, administrators, and trustees. The AAUP emphasizes the importance of faculty involvement in personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies. Faculty should have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process (AAUP, 2007).

Similarly, the administration of the university has a vital role in the implementation of the shared governance process. According to AAUP’s Statement on Government of Colleges and Universities (2008):

it is the duty of the president to see to it that the standards and procedures in operational use within the college or university conform to the policy established by the governing board and to the standards of sound academic practice. It is also incumbent on the president to ensure that faculty views, including dissenting
views, are presented to the board in those areas and on those issues where responsibilities are shared (p. 13).

Although the shared governance process has been the traditional form of university decision-making since the infancy of the nation’s modern higher education infrastructure, the introduction of faculty unions to the university setting some 40 years ago has arguably impacted the application and implementation of the shared governance process. Faculty unions have, at least in several historical moments, arguably altered the relationship dynamics between faculty governance bodies and administration. It is not a surprise that labor unions, like any political organization, seek to achieve a level of influence that allows them to advance their organizational interests and agendas. However, this influence can potentially come at the cost of the shared governance process itself, ultimately leaving much of the university decision-making de facto in the hands of administrators and the faculty union with which the university is legally obligated to meet and confer.

**Problem Statement**

Unions have been a part of many university political landscapes for over four decades. During the early years of faculty unionization, researchers examined the ramifications of unionization on faculty senates and the shared governance process, but the results of these initial inquiries were often mixed with regard to the effects faculty unionization had on faculty senates as organizational bodies and their traditional role in the university. Moreover, in the decades that have passed since the issue was first studied, much has changed over the years for university administrators, faculty, and the unions that represent them.
Most of the research on unions and their impact on faculty senates and shared governance is dated and does not consider the more organizationally complex faculty unions of today. To add to this complexity, universities as institutions have become more elaborate over the same span of time. Given this more complicated institutional environment, more needs to be learned about the effects faculty unionization has had on faculty senates and the shared governance process over the last 40 years.

From a review of the literature, there emerge several key areas of exploration or themes and this study is organized congruent with these themes. The emergent themes include (a) the state of faculty collective bargaining rights and its impact on faculty unionization in the United States; (b) the lack of faculty influence in university decision-making as the impetus for faculty unionization (faculty expectations regarding unionization); (c) the effects of unionization on the traditional role, purview, and influence of faculty governance bodies; (d) shifts in university relationship dynamics as the union expands its influence, if not jurisdiction, into areas previously considered the realm of the senate and/or administration; and (e) the overall impact on institutional culture and campus decision-making in a collective bargaining environment.

While much can be learned from earlier research, the current context of a more highly unionized and more complex university environment calls for a greater understanding of the state of shared governance on today’s unionized campuses. Possibly at stake is the relevancy and even the future of faculty senates themselves (and with this the historic role that the professoriate plays in the university governance process itself) as unions increasingly expand their sphere of influence through collective bargaining into areas previously considered the purview of faculty bodies and Academic
Senates. If university leaders and public policy makers are to take guided action toward the preservation of the vitally important role faculty play in the academic life of our nation’s institutions of higher learning, educational policy-makers must understand the effects of faculty unionization and how it relates directly to the future of institutional decision-making.

**Purpose of the Study**

This study focuses on the effects of faculty unionization on the shared governance processes of the university post-unionization. While the effects can be explored in relation to a variety of university actors involved in the governance process (i.e., the effects on administration, the faculty, or even the union itself) this study focuses on the effects of faculty unionization on the role of faculty senates in the shared governance processes and explores the question of whether or not faculty unionization results in a loss of power and influence of faculty governance bodies.

**Research Questions**

To explore the effects of faculty unionization on faculty senates and shared governance, the following questions guide this investigation:

What effect does faculty unionization have on campus Academic Senates as organizational participants in university shared governance?

1. How does faculty unionization affect the informal practice of shared governance on the campus?

2. How does faculty unionization affect the formal processes employed in the carrying out of the shared governance process?
3. How does faculty unionization affect the organizational purview of faculty governance bodies?

4. How does faculty unionization affect the power and influence of faculty governance bodies?

Conceptual Framework

The conceptual framework recognizes the current context of a unionized and complex university environment. Decisions and university policy development are viewed as products of the relationship dynamics (politics) among the university administrators, academic senates, and faculty unions. My conceptual framework recognizes the overlap in responsibilities and/or competing processes that constantly challenge the purview and decision-making boundaries of each actor. As such, while university administrators, academic senates, and faculty unions have organizational relationships and obligations to each other, none of these relationships occur in a vacuum. Instead, they are complicated by the interconnectedness of issues and the interrelations between the actors.

Of particular relevance is the authoritative overlap among all three actors in the area of terms and conditions of employment. Both the shared governance process and the collective bargaining process contribute to university policy with regard to articulating faculty terms and conditions of employment. In this complex university environment, boundaries of purview are regularly redrawn with all actors engaged in struggle for influence over the policy development and decision-making processes. The Higher Education Employer-Employee Relations Act (HEERA) serves as the foundation for the framework because it recognizes and supports shared governance as a joint decision-
making process, and simultaneously codifies the collective bargaining rights and responsibilities of a public university employers and unions.

Dynamics

**HEERA 3561(b)** - The Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of these institutions, and declares that it is the purpose of this chapter to both preserve and

**FIGURE 1.** Effects of faculty unionization on University shared governance.

**Operational Definitions**

*Shared governance*—Means “governance of higher education institutions in which responsibility is shared by faculty, administrators, and trustees. The AAUP emphasizes the importance of faculty involvement in personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies. Faculty should have primary responsibility for such fundamental areas as curriculum, subject matter and
methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process” (AAUP, 2007)

*Collective bargaining*—means “the performance of the mutual obligation of the higher education employer and the exclusive representative of its employees to meet at reasonable times and to confer in good faith with respect to matters within the scope of representation and to endeavor to reach agreement on matters within the scope of representation” according to the Higher Education Employer-Employee Relations Act (HEERA, Chapter 12, section 3562, para. m).

*Academic Senate*—the elected body comprised predominantly by faculty that officially engages in the joint decision-making and consultation processes between administration and faculty on matters including but not limited to faculty personnel policies, campus administration and resource allocation, and educational policies. (adapted from The Constitution of the Academic Senate of the California State University, 2006)

*Faculty labor union*—as adapted from Higher Education Employer-Employee Relations Act, means any recognized or certified employee organization in which higher education faculty employees participate and that exists for the purpose of dealing with higher education employers concerning grievances, wages, hours, and other terms and conditions of employment (HEERA, Chapter 12, section 3562, para. f).

*Influence*—means “the capacity to have an effect on the character, development, or behavior of someone or something...the power to shape policy or ensure favorable treatment from someone, especially through status, contacts, or wealth...a person[s] with
the capacity or power to have an effect on someone or something” (influence, n.d.). See reference list under influence.

*Professional employee-* means: “(1) Any employee engaged in work: (A) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (B) involving the consistent exercise of discretion and judgment in its performance; (C) of a character so that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (D) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning” (HEERA, Chapter 12, section 3562, para. o). This definition is used to describe faculty employees in the context of higher education employment.

**Assumptions and Delimitations**

A major assumption of the study is that shared governance is a form of university decision-making that is vital to the university and worthy of preservation. While the effects of faculty unions in the shared governance process can be explored in relation to a variety of university actors involved in the governance process (i.e., the impact on administration, the faculty, or even the union itself) this study focuses on the effects of faculty unionization on the role of faculty senates in the process and does not consider the inter-relationships between all organizational actors. It also does not consider the effects of unions on the terms and conditions of employment that are external to the faculty senate (such as wages, health benefits, and pension benefits) and instead focuses on those areas where overlap in purview may potentially exist. Finally, while this study attempts
to examine issues of influence, this study recognizes that there are a number of factors that may contribute to manifest changes in influence.

**Significance of the Study**

Faculty unions have, at least in several historical moments, arguably redefined the role of academic senates as unions have gained greater influence with administration through the collective bargaining process. Unions, like any political organization, seek to achieve a level of influence that allows them to advance their organizational interests and agendas. This influence can potentially come at the cost of the shared governance process itself, ultimately leaving much of the university decision-making de facto in the hands of administrators and the faculty union to which the university is legally obligated to meet and confer.

**Conclusion**

Some earlier researchers predicted the demise of shared governance with the growth of unionization. Later studies seem to suggest that academic senates and unions have managed to “coexist” (Kemerer & Baldridge, 1981) alongside each other in contrast to earlier predictions. Even so, commenting decades after faculty unionization took root, Wickens (2008) recently highlighted that “there [still] does not appear to be much consensus on the role unionization has actually played in university governance. Some reviews of the literature have concluded that unionization results in decreased participation and communication, whereas other reviews have concluded the exact opposite” (p. 550). With such a lack of agreement on the effects of faculty unionization on the shared governance process, particularly in the context of today’s higher education environment, further study is vitally needed.
CHAPTER 2

REVIEW OF THE LITERATURE

Introduction

The following literature review explores faculty unionization in higher education settings, and its effects on university shared governance processes. While the effects can be explored in relation to a variety of university actors involved in the governance process (i.e., the effects on administration, the faculty, or even the union itself) this study focuses on the effects of faculty unionization on the role of faculty senates in the shared governance processes of the university post-unionization. From the selected literature, there emerge several key areas of exploration or themes and the chapter is organized congruent with these themes. The emergent themes include the historical context, and evolution of faculty collective bargaining rights and its impact on faculty unionization in the United States, the lack of faculty influence in university decision-making as the impetus for faculty unionization (faculty expectations regarding unionization), the effects of unionization on the traditional role, purview, and influence of faculty governance bodies, shifts in university power balances as the union expands its influence, if not jurisdiction, into areas previously considered the realm of the senate and/or administration, and the overall impact on institutional culture and campus decision-making in a collective bargaining environment.
Rationale and Strategies for Literature Selected for the Review

In order to survey the literature regarding faculty unionization in higher education, research databases in the education category of the Education Resources Information Center (ERIC) were utilized. Key terms and phrases for the exploration of the topic included higher education labor relations, faculty unions, faculty associations, shared governance, faculty governance, faculty unionization, academic labor unions, and organizational impact of unions in higher education.

With each key term search, the resulting entries were scanned for relevancy and/or applicability to the issue of university governance and decision-making in four-year higher education institutions. When the limits in the quantity of these studies became evident, research related to community colleges was also included. Additionally, deliberate effort was made to identify contemporary quantitative and qualitative studies that included public and private colleges. Effort was also made to include studies that considered part-time or adjunct faculty as an element of the topical exploration.

Literature Review

Very little contemporary research exists on the subject of faculty unionization and its impact on shared governance. Most recent contributions to the issue come in the form of opinion or commentary, with very little empirical research being conducted on unionization’s impact on the university shared governance processes and structures. The initial rise of faculty unionization on college campuses in the 1970s and 1980s did capture the interest of some higher education researchers who were concerned about this relatively new phenomenon. However, while there was some initial research conducted regarding the impact of unionization on shared governance shortly after faculty unions
appeared on college campuses, the subject now requires a contemporary review and reconsideration given the significant changes that have occurred in faculty unions as organizations, universities as institutions, and even the laws that govern their relationship. In fact, legislation related to public employee collective bargaining has taken on greater significance in just the last few years.

Up until recently, laws governing collective bargaining in the public sector were in many ways taken for granted. However, in recent years the long-standing right to public employee collective bargaining is now being challenged under the guise of solving state fiscal problems or even less transparently as a deliberate attempt to curb the political power of public employee unions. Perhaps the best examples that represent the state of flux of public employee collective bargaining rights are Wisconsin and Ohio, but these states do not stand alone. In fact, in spring 2011, at the annual conference of the National Center for the Study of Collective Bargaining in Higher Education, one speaker commented that nearly half of nation’s states had some form of legislative proposals intended to curtail or limit public employee collective bargaining.

University Governance

Today the idea that faculty should participate in the governance of their employing higher education institutions is a generally accepted institutional norm. In fact this participation has been legally recognized in many collective bargaining statues such as California’s Higher Education Employer-Employee Relations Act (HEERA). This law is mostly recognized for having established the right of public university employees to unionize and collectively bargain with the University of California and the California State University systems. However, lesser known, but equally significant is that HEERA
also codified the role of faculty governance bodies simultaneous to its establishment of the right of higher education employees to unionize and demand collective bargaining with their higher education employers.

With HEERA’s passage in 1978, California’s Legislature declared that “the Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of these institutions, and declares that it is the purpose of this chapter to both preserve and encourage that process. Nothing contained in this chapter shall be construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices…” (HEERA, Article 1, section 3561(b)). In so doing, HEERA, like many other higher education collective bargaining statutes, deliberately preserved the role of shared governance in California’s public colleges and universities.

However, while now an established form of university decision-making, this was not always the case. In fact, today’s university governance structures are a product of the struggles of faculty and enlightened university leaders and policy-makers that date back to the 16th century (Lucas, 1994). Many of these earlier struggles were often over efforts to safeguard the unfettered pursuit of knowledge, both popular and unconventional, in an era where faculty public utterances critical of the university and its leaders provided sufficient cause for dismissal from employment. Lucas (1994) notes “job security had always been a tenuous affair among the nineteenth-century American professorate. Any teacher held his post at the president’s pleasure or that of his board. He could be readily
dismissed if those above him so desired. When a professor was fired for expressing an unpopular point of view (within the classroom or without) it was usually a matter of having taken a stand contrary to prevailing religious orthodoxy” (p. 202). These battles ultimately led to the development of concepts such as academic freedom and shared governance; concepts that are still evolving into the present.

In one of the earliest cases involving the rights of private universities to self-govern their institutional and educational policies, the United States Supreme Court in *Trustees of Dartmouth College v. Woodward* (1819) ruled that private university charters were protected by the contracts clause of the U.S. Constitution (Article 1, section 10). While not at the core of the decision, this case was among the first to argue the “property rights” of faculty, paving the way for the tenure system which developed as a means to protect academic freedom. Daniel Webster, representing Dartmouth College, argued the need to “protect the Dartmouth faculty’s ‘sacred’ property rights,” to which they were entitled by virtue of their foregoing “the advantages of professional and public employments...to devote themselves to science and literature, and the instruction of youth” (*Trustees of Dartmouth College v. Woodward*, 1819).

Between the Dartmouth decision and the early 20th century, the legal and political conflicts over who should govern the university and the rights of faculty to academic freedom were most prevalent. In 1915, the issue of academic freedom was the galvanizing force that ultimately led faculty to create the AAUP. In 1915, American Association of University Professors “Declaration of Principles on Academic Freedom and Academic Tenure” placed it at the forefront of the debate on matters pertaining to higher education and the articulation of university policy norms regarding academic
freedom. According to AAUP "academic freedom...comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action" (AAUP, 1915).

As cases and issues arose over time, the AAUP clarified its original policy statements. The AAUP revisited its 1915 “Declaration of Principles on Academic Freedom and Academic Tenure” with an update in 1925 and again in 1940 by way of a joint statement with the Association of American Colleges and Universities. Through their efforts to protect the rights of faculty regarding matters of academic freedom, the AAUP has emerged as the voice of faculty on matters of academic freedom, retention, tenure and promotion practices, and is the organization most prominently cited regarding the meaning of shared governance. Years later, it would also develop positions on a host of issues, including the issue of collective bargaining in higher education.

By the 1960s, shared governance was engrained as a feature of university decision-making to such an extent that when Congress enacted The Higher Education Act of 1965 it did so in a manner that respected the tradition of higher education governance. Although most recognized as being the first time that Congress established federal scholarships for undergraduate students (National Trio Clearinghouse, 2003), the legislation was also significant in another manner. Also important was that the federal government strengthened the nation’s higher education infrastructure in a way that preserved the autonomy of the university as an institution insofar as it did not provide for any federal curricular or administrative control as a condition of receiving funds (Higher Education Act, 1965).
A year later, in 1966, The AAUP issued their “Statement on Government of Colleges and Universities” that formally articulated the organization’s concept of shared governance. The statement was “directed to governing board members, administrators, faculty members, students, and other persons in the belief that the colleges and universities of the United States have reached a stage calling for appropriately shared responsibility and cooperative action among the components of the academic institution. The statement [was] intended to foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions” (p. 10).

AAUP’s statement highlighted “the importance of faculty involvement in personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies” (AAUP, 2007). It also proffered that Faculty “should have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process” (AAUP, 2007) while also acknowledging the administration of the university has a vital role in the implementation of the shared governance process.

Faculty Unionization in the United States

Public school teacher unions served as the origins of today’s faculty unions and these same teacher unions are in many ways a product of the country’s trade union movement. According to Kearney (2009), “two organizations have dominated the union movement in education: the independent National Teachers Association (NEA) and the AFL-CIO affiliated, American Federation of Teachers (AFT)” (p. 39). Both organizations
have their roots in organizing elementary and secondary school teachers, but both eventually expanded their jurisdictions to include organizing in the nation’s colleges and universities. Later, a third organization, the American Association of University Professors, began to compete for a place in higher education collective bargaining with its own blend of faculty unionism that called “for maintain[ing] and enhance[ing] within the institution structures of representative governance that provide full participation by the faculty” (AAUP, 1984) as articulated in AAUP’s revised 1984 Statement on Collective Bargaining. Interestingly, the AAUP was established and “existed for many years as a professional association not interested in collective bargaining or other union-like activities” (Kearney, p. 41). Likewise, the NEA, probably as a result of having its earliest leadership comprised largely of school administrators, initially opposed collective bargaining and other types of activities (e.g., strike and workplace job actions) often associated with unions (Maitland, 2007). Nonetheless, today the NEA, AFT, and the AAUP each exercise significant dominance in the arena of college and university collective bargaining (Biblo, 1976; Kearney, 2009).

While faculty unionization most notably grew in the 1960s, it origins can be traced back to the 1800s. According to Kearney, (2009) the NEA “first dabbed in organizing college faculty in 1870 with the creation of a higher education unit which was dissolved during the 1920s but recreated in 1943” (p. 41). The University of Illinois was the first college to agree to collective bargaining with its faculty in 1917 (Newman, 1984). Shortly thereafter, in 1918, the first faculty union local at Howard University was established (Hudson, 2007). “This was emulated by faculty groups at colleges and
universities in New York, Illinois, and California" (Hudson, 2007, p. 28). Within a few years, The University of South Dakota’s faculty formed a union in 1923 (Cantor, 1997).

Jumping forward a few decades later, Kearney (2009) notes that “as the 1960s progressed, it became clear that government employers could no longer bank on a docile, passive worker, content with a secure job and a rather modest salary and pension” (p. 16), thus setting the stage for the expansion of unions into the terrain of the nation’s community colleges and universities. By 1965, faculty union membership grew to 5.5 million and this growth continued into the 1970s fueled significantly by the expansion of community colleges across the country (Varner, 2000).

However, the numerical growth of community colleges was not the only factor contributing to a higher frequency of unions in community colleges. The conditions of employment for faculty in the community colleges, compared to their colleagues in 4-year universities, varied significantly. Boris (2004) speaking on the impetus for unionization in community colleges, commented that “the faculty’s pre-unionization role in hiring, promotions, and curricular matters resembled more closely that of secondary school teachers than that of university faculty” (p. 44) adding that “without unionization, community college faculty would be far less likely to enjoy the benefits of academic freedom and tenure, a predictable progression through academic ranks, or due process through grievance mechanisms” (p. 45).

Congruently, Ladd and Lipset (1973a) also viewed the expansion of the community colleges as a major contributor to the growth of faculty unions, noting that since the enormous expansion of higher education over the past decade has occurred disproportionately at the lower levels-in institutions where faculty
independence and professional standing are tenuous at best—we have identified one component of the increased receptivity to unionism in the academic community (p. 40).

Interestingly, these same conditions that contributed to community college unionization are also reflected in the conditions of today’s growing contingent and non-tenured faculty workforce and yielding similar results as will be discussed later in the chapter.

DeCew (2003) also suggests that “many factors contributed to the historically unprecedented emergence of faculty unions. One of these was social, based on critiques of the status quo accompanied by skepticism about solving social problems, brought on by student protests” (p. 3) followed by the national economic challenges faced in the 1970s. This era presented a period of increased unionism across all categories of workers, including college faculty. Commenting about this upswing of unionism, including faculty unionism, Ladd and Lipset (1973a) noted that

the rapid growth of professional unionism in the 1970s suggests a sharp reversal of the historic position of academics that their interests and status as professionals are basically incompatible with the spirit of trade unionism, identified in the past largely with manual workers (p. 38).

Garbarino (1973) suggests the impetus to organize faculty “emerged in response to a slowing of salary increases, attacks on tenure, attempts to increase teaching loads, to limit outside income from professional activity, to reduce the availability of sabbatical leaves…and to reduce faculty control of the work environment” (p. 8).

The 1970s was significant in relation to union affiliation in several ways. In 1974 one-quarter of all workers belonged to a union (Farber, 2005), representing a relative
period of union strength. However, the 1970s also represented a shift in the types of workers covered by collective bargaining agreements. Up to this point, unionism had been a private sector phenomenon. By the early 2000s public employees surpassed private sector workers in union affiliation. Making this comparison, Farber (2005) noted that “by 2004, only 8.2% of workers in the private sector were members of unions. In stark contrast, the union membership rate among public-sector workers increased to 37.1% over the same period” (p. 1). Unionization of public employees was not limited to the traditional federal, state and local government jobs. University faculty organizing was also on the rise. As Aronowitz (2006) observed

the untold story of the 1970s and 1980s … is that the fastest growing section of the labor movement came to consist of professionals and other white collar employees. And until the rise of unions among healthcare providers in the 1980s and 1990s, the main leader in this trend was the professoriate (p. 25).

DeCew (2003) credits enabling legislation that established collective bargaining in the public sector as a significant contributor to the growth of faculty unions. Similarly, Castro (2000) also notes that faculty collective bargaining had its origins in the federal and state legislative extensions of bargaining rights to public employees. At the federal level, the Wagner Act of 1935, also known as the National Labor Relations Act, was a major piece of legislation that served as a blueprint for future generations of collective bargaining statutes. Later, In January 1962, President Kennedy issued Executive Order 10988 which extended collective bargaining rights to federal employees. Aronowitz (1997) notes that soon thereafter, “state and local governments, outside southern and blatantly anti-union states followed with similar laws and administrative edicts” (p. 184).
Today, 41 states extend public employees the right to collective bargaining (although in varying degrees) and 9 states completely ban collective bargaining for state and local public employees (Wasser, 2010).

However, while most states have some enabling legislation, the evolution of laws governing collective bargaining, particularly with regard to state and municipal employees, has been by no means uniform. Kearney (2009), discussing the legislative history of collective bargaining law, highlights that “the legal basis for state and local government labor relations is a byzantine web of myriad statutes, ordinances, court decisions, executive orders, attorney general opinions, and other policy articulations” (p. 57). While the earlier legislative actions were not immediately applicable to university faculty, these laws were nonetheless precursors to specific laws that extended the rights of faculty to organize in the nation’s public colleges and universities.

As noted above, the 1960s was a period of union activism on university campuses, including among faculty (Ginsberg, 1998; Garbarino, 1975). Ladd and Lipset (1973a) were among the earliest research pioneers investigating faculty unionization. At this time, the country’s public university systems were experiencing tremendous growth and expansion. Garbarino (1975) observed that “The number of public institutions grew four times as fast as the number of private institutions. As a result, at the beginning of the 1970s three-fourths of all the students and about two-thirds of all the faculty were in public institutions” (p. 5).

By the mid-1990s, “about 45 % of the 3,331 institutions of higher education were public, and they employ[ed] about 71 % of the roughly 741,000 faculty and enroll[ed] about 78 % of the over 13 million students in higher education. More than half
of these public institutions (about 61%) [were] unionized” (Rhoades, 1993, p.312).

While faculty unionization had an uncertain beginning, the presence of faculty unions on public university campuses has become much more widespread since it origins over 40 years ago.

A study by Euben and Hustoles (2001), relying on data from the National Center for the Study of Collective Bargaining, found that faculty in colleges and universities are among the most unionized group in the country. More recently, Moriarty and Savarese (2006) reported that “318,504 faculty members are represented by a recognized collective bargaining agent. These organized faculty members are broken into 575 separate bargaining units and are distributed across 491 institutions or systems of higher education with 1,125 campuses” (p. vii).

The emergence and growth of unions in the university was a point of contention from the beginning according to DeCew (2003), commenting that “faculty unions have been controversial from the outset, and debates surrounding unionization have included heated political rhetoric” (p. 5). Addressing the gap in the literature regarding unions in higher education, DeCew (2003) also observed that “numerous commentators have pointed out that despite the large percentage of faculty working under unions, most of the literature in higher education has ignored or overlooked unions or has been very critical of unionization in the academy” (p. 5). Relatedly, Rhoades (1996) also suggests that when faculty unionization is discussed in the literature “although empirical data do not support such a view, this work generally regards unionization as a threat to professionalism and to faculty salaries” (p. 26).
Gordon (2000) categorizes the emergence of faculty unions into three key stages. “First, there was an early period of intense activity, as the legal environment cleared and as unionism rapidly gained some measure of legitimacy in the higher education community. Second, there was a slowdown in the movement, which occurred as a result of the Supreme Court’s Yeshiva decision in 1980, but which also was accompanied by societal and economic changes. By the latter half of the 1990s, a tentative new phase began as increased willingness to explore unionization seemed to emerge, with the possibility that the movement would take on a new life” (p. 37). As Gordon, and others (Boris, 2004) note, the Yeshiva decision had a significant impact on the future of collective bargaining and the implications of this historic decision are further explored below.

National Labor Relations Board v. Yeshiva University

While faculty unions gained ground in organizing public universities in the last few decades, they also suffered a major setback in private colleges with the Supreme Court’s decision regarding faculty efforts to seek union representation at Yeshiva University (National Labor Relations Board v. Yeshiva University, 1980). The Yeshiva matter arose when, after a union election in 1975, the National Labor Relations Board (NLRB) certified the Yeshiva University Faculty Association as the collective bargaining agent for the faculty at Yeshiva University. Triggering the dispute was the administration’s refusal to bargain with the union. The NLRB sought to enforce its recognition in the U.S. Court of Appeals but its petition was denied. The NLRB then petitioned to the U.S. Supreme Court and the case was subsequently argued and a decision was rendered in 1980.
The impact of the Supreme Court’s decision on the rights of faculty to organize and bargain collectively was very significant, and in a short time span the ruling reshaped the direction of faculty unionization in American universities. Boris (2004) in noting the impact of the decision commented that “when American academic unions first began to organize faculty and staff, the unions targeted colleges and universities in both the public and private sectors. Approximately ninety private institutions were organized during academic unionism’s first decade...In 1980, the Yeshiva decision radically altered the collective bargaining landscape” (p. 42). The court’s decision was pivotal not just in relation to the right of faculty to bargain collectively, but it was also significant because of its recognition of the role faculty play in running colleges and universities.

At the core of its decision, the Supreme Court ruled in a 5 to 4 vote that faculty at Yeshiva University were not covered by the National Labor Relations Act (NLRA) because they were “managerial” employees. In its almost evenly split decision, the court determined that the university administration had no statutory obligation to bargain with the union because it found that faculty at Yeshiva possessed a degree of management authority appropriate to exclude them from protection under the NLRA. The court’s decision stemmed from what it considered evidence of Yeshiva faculty’s managerial functions and authority through the role faculty play in the university governance process.

A central element of the Supreme Court’s landmark decision relied on the fact that Yeshiva faculty had considerable influence in much of the decision-making of the university by way of the shared governance process. The court was unable to reconcile the shared governance process with the experiences of traditional industrial workplaces.
and instead saw authority vested in the Yeshiva faculty that elsewhere was typically left to an employer’s sole discretion and prerogative. Through its limited understanding of the shared governance process, the court determined that the role faculty play in managing the university through the shared governance process was so significant that it constituted managerial authority and functions. In doing so, the court agreed with the university’s arguments, best summarized from the following excerpt of the decision. The university argued:

Yeshiva does not contend that its faculty are not professionals under the statute. But professionals, like other employees, may be exempted from coverage under the Act's exclusion for "supervisors" who use independent judgment in overseeing other employees in the interest of the employer, or under the judicially implied exclusion for "managerial employees" who are involved in developing and enforcing employer policy. Both exemptions grow out of the same concern: That an employer is entitled to the undivided loyalty of its representatives. Beasley v. Food Fair of North Carolina, 416 U.S. 653, 661 -662 (1974); see NLRB v. Bell Aerospace Co., 416 U.S. 267, 281 -282 (1974).

In turn, the Supreme Court rejected the NLRB's argument in support of union recognition, using the NLRB’s prior decisions against them by concluding that “outside the university context, the Board routinely has applied the managerial and supervisory exclusions to professionals in executive positions without inquiring whether their decisions were based on management policy rather than professional expertise” (National Labor Relations Board v. Yeshiva, 1980).
A weakness in the court's decision was the application of an industrial concept of workplace management to the university context. A dissenting opinion was offered on behalf of the court's four-member minority. In its opinion, the minority contended that faculty interests could not be presumed to be the same as the interests of the University administration and when differences arose, the NLRA was an appropriate vehicle for addressing disputes between the parties. The minority articulated their views on this point as follows:

Both [faculty and administration] desire to maintain stable and profitable operations, and both are committed to creating the best possible product within existing financial constraints. Differences of opinion and emphasis may develop, however, on exactly how to devote the institution's resources to achieve those goals. When these disagreements surface, the national labor laws contemplate their resolution through the peaceful process of collective bargaining. And in this regard, Yeshiva University stands on the same footing as any other employer (National Labor Relations Board v. Yeshiva, 1980, p. 17).

Additionally, the dissent appropriately recognized that the influence that faculty enjoyed through the governance process was dependent on the University's sole decision to accept their influence, recognizing in the end that faculty input was advisory by noting that:

while the administration may attempt to defer to the faculty's competence whenever possible, it must and does apply its own distinct perspective to those recommendations, a perspective that is based on fiscal and other managerial policies which the faculty has no part in developing. The University always
retains the ultimate decision making authority (National Labor Relations Board v. Yeshiva, 1980, p. 16).

Nonetheless, while the court’s decision reflected a fundamental misunderstanding of the role faculty play in the “management” of the university, it did however recognize the important role faculty share in many university decisions.

Prior to the introduction of collective bargaining on university campuses, addressing matters of relevance to the faculty was the realm of campus faculty senates. Consequently, for some early observers of faculty unionization the phenomenon triggered speculation about its potentially adverse impact on the governance life of universities. Garbarino (1975) writing in the midst of a wave of faculty unionization, predicted that the influence of faculty unions in academic matters would outweigh that of faculty senate bodies as the power of the union grew. During this time, many higher education researchers worried that the traditional role of academic senates and the process of shared governance would be inevitably doomed as unions gained a greater role through the collective bargaining process (Ponak, Thompson, and Zerbe, 1992).

Since the earlier research was conducted, unions have now been a part of the higher education political landscape and much has changed over the years for university administrators, faculty, and the unions that represent them. However, even with the growth of unionization on university campuses, particularly in public universities, some studies suggest that faculty senates and unions have nonetheless still managed to “coexist” (Kemerer & Baldridge, 1981) alongside each other in contrast to earlier predictions. Even so, commenting decades after faculty unionization took root, Wickens (2008) highlighted the following:
there [still] does not appear to be much consensus on the role unionization has actually played in university governance. Some reviews of the literature have concluded that unionization results in decreased participation and communication, whereas other reviews have concluded the exact opposite” (p. 550).

Many years later, it is evident that more needs to be learned about the current state of shared governance in a unionized context. Although there is much to glean from prior research, the current context of a more complex university environment calls for a greater understanding of the impact faculty unionization has made on collegial shared governance and university decision-making.

**Shared Governance as an Impetus for Faculty Unionization**

To consider the potential impact of faculty unionization on the shared governance process, it is important to understand why college faculties have chosen to seek union representation. Ironically, while it was their role in faculty governance that kept faculty at Yeshiva and elsewhere from organizing a union, some of the literature suggests that it is when shared governance fails that faculty may look to unionization as a way to win greater influence and counter-balance the university administration (Wickens, 2008).

Citing studies by DeCew (2003), and Williams and Zirkel (1988), in her study Wickens (2008) notes that:

> when examining the possible benefits and disadvantages of faculty unionization, university governance is often a central issue. On the one hand, critics argue that the traditional university senate, which is the primary means of faculty influence over university policy, is actually a very weak governing body at many academic institutions and has been usurped by the administration. Unionization is seen as a
means to increase faculty influence in universities where administrators have
limited the power of the senate” (p. 564).

Wickens (2008) found that “many of the reasons cited for collective bargaining in
the academic environment involve the improvement of working conditions including
faculty power and university governance, workload and support services, job security,
equity issues, due process and grievance issues, promotion procedures, and academic
freedom” (p. 547). Similarly, Castro (2000) found, “faculty dissatisfaction with job
security, compensation, and governance issues provided the historical impetus for
collective bargaining in higher education” (p. 47). Drummond and Reitsch (1995) linked
limited faculty input in academic policy matters as a contributing factor leading faculty to
consider unionization. What is evident from all these studies is that in addition to the
“bread and butter” issues that generally lead workers in all sectors of employment to
unionize, a prominent factor contributing to faculty unionization is the desire to achieve a
greater level of influence in the university decision-making processes.

Notwithstanding the above, other researchers have discovered that faculty support
for unionization can also vary depending on perceptions of personal stature in the
university context. For example, Ladd and Lipset (1973) suggested that “data on
attitudes toward unionism [of faculty] are consistent with the “class interest” hypothesis.
Professors of low scholarly achievements give greater backing to the principles of
collective bargaining than do their more productive colleagues; untenured professors
favor them more consistently than those with tenure and academics with low salaries are
more supportive than their better rewarded associates” (p. 17).
Moreover, Ladd and Lipset (1973) also suggest that the nature of the institution and its academic culture can have an impact on whether or not faculty choose collective bargaining. Their landmark study highlighted the intellectual quandary that faculty find themselves in regarding unions on university campuses, noting that "faculty members at prestigious institutions [were] torn between their pro-union views and their academic values, opting in the end not to join unions" (p. 262). Relatedly, Giaquinta (1976) observed that "faculty at research-oriented private universities are less receptive to collective bargaining and especially to union representation than their counterparts at teaching-oriented two and four year institutions" (p. 3).

Another factor that has impacted faculty interest in unionization has been the growth in the use of contingent or temporary faculty (Curtis & Jacobe, 2006). Unionization in the "teaching-oriented" institutions is also paralleled with what Bodah (2000) observed as a "trend in faculty mix [that] is away from tenure track positions" (p. 7) to temporary (part-time and full-time) faculty. Related to this trend is Rhoades (1996) observation of "a twenty-five-year trend of increased numbers and percentage of part-time relative to full-time faculty" (p. 626). Similarly, Harlee, (2010) highlighted that "from 1975 to 2003, full-time tenured and full-time tenure track positions have decreased from 56.8% to 35.1%. Conversely, during the same period, part-time faculty positions have increased from 30.2% to 46.3% at all degree-granting institutions”.

This major demographic "restructuring of academic work and careers" is disturbing to some researchers particularly when there is no apparent reversal of this trend (Schuster & Finkelstein, 2006). Commenting on the adverse impact of this workforce restructuring, Rhoades (1998) notes:
The increased use of part-time faculty is ironic given current criticism of fulltimers. If many full-time faculty are not in their offices on Fridays, part-timers do not even have offices. If full-time faculty do not spend enough time with their students outside of class and office hours, part-timers may not have defined duties outside of classroom teaching and office hours. If full-time faculty do not care enough about the quality of their teaching, part-timers may not have their teaching evaluated by their peers (p. 132).

For Rhoades (1996; 1998) and others, “the problem lies in the nature of contingent work, its lack of support structures, and the constraints on academic freedom for faculty in these positions” (Curtis & Jacobe, 2006, p. 6). With temporary faculty employment regularly complicated with issues related to job security and working conditions it is consistent with previous findings that temporary faculty would see a benefit from unionization, particularly with regard to job security (Rhoades, 1996). On the shift to the use of temporary faculty and why AAUP is committed to organizing them, Moser (2000) remarked that “as tenured faculty become an increasingly slender minority, academic values, including academic freedom and the right to share in the university government, are undermined” (p. 2).

Impact of Faculty Unionization on Senate Bodies

By the mid-seventies, shortly after a spike in faculty organizing nationwide, Baldridge and Kemerer (1976) suggested that Academic Senates would lose their relevance as a result of campus unionization. Their concern stemmed from the following observation:
while coexisting unions and senates stake out respective spheres of influence, the political nature of unions causes them to expand their influence into senate territory. We predicted that while senates would not likely disappear overnight, the growth of union power threatened their existence. We frankly were dubious about the continued viability of faculty deliberative bodies. (p. 255).

Extending their research on the impact of unionization on faculty governance, Kemerer and Baldridge (1979) subsequently conducted a study based on a survey and review of pertinent documents (collective bargaining agreements) relevant to the same time frame. The survey targeted college presidents at non-union campuses, the presidents of all the unionized campuses in the United States, faculty union representatives from the same campuses, system-level administrators and union staff representatives from these same campuses. Approximately fourteen hundred surveys were distributed with the study achieving a 52% response rate. In addition to the surveys, the study also considered union collective bargaining agreements and relevant case studies. What Kemerer and Baldridge found was that “14% of the presidents at nonunionized campuses reported they had no campus senate or equivalent body [and this] was more than doubled for presidents at unionized campuses” (p. 257). Interestingly, on “campuses with faculty unions, a majority of the respondents indicated the union replaced the senate” (p. 257).

However, the authors note that this was not always a direct result of the union’s presence on campus.

For example, in Minnesota, the collective bargaining law gives unions the right to “meet and confer” with public employers regarding policies and matters not included in the scope of bargaining. In effect unions [in Minnesota] have a
statutory right to invade the traditional arena of the senates. As a result, the role of
the deliberative bodies in both the Minnesota community college system and in
the state college system has been significantly curtailed (Kemerer & Baldridge,
1979, p. 257).

The study also examined the question of what has happened on campuses where
unions and faculty senates “coexisted” with each other. To consider this aspect, the study
focused on campuses that were unionized prior to 1975. The questioned considered was
“How much influence does the faculty union and senate have on these issues [i.e.,
curriculum, degree requirements, long range planning, admissions policy, faculty RTP,
department budgets, faculty hiring, faculty working conditions, and salaries and benefits]
at your institution?” (Kemerer & Baldridge, 1979, p. 258).

What Kemerer and Baldridge (1979) found was that successful coexistence was
associated with the fact that “senates concern themselves with academic matters while
unions concentrate on economic issues” (p. 257). Consistent with other prior findings,
Castro (2000) also suggested that “the effects of unionization on governance have been
strongest where governance processes were weak and minimal where strong faculty
senates were in place” (p. 48).

Garfield (2008), examining the impact of faculty unionization found that the
presence of an exclusive representative at a college in many cases adds an additional
level to the decision-making process. The union itself becomes an important structure in
governance...While the authority of the union is not all-encompassing, its authority is
often substantial. Many decisions that are made solely by management and the board in a
non-union environment must first be negotiated with the exclusive representative in a union environment (p. 26).

Garfield’s study suggests that while faculty seek unionization as a means to gain institutional influence, the union itself as an organizational actor also insinuates, if not directly inserts, itself into the university governance structure.

**Expansion of Union Purview into Faculty Senate Territory**

Several studies reviewed considered the elements that contribute to the expansion of the union’s sphere of influence and authority (Kemerer & Baldridge 1981, Garfield 2008). These studies suggest that unions can begin to venture into the purview of the faculty senates for a variety of reasons. Ponak, et al. (1992) found that unions have stayed away from matters that are being adequately handled through traditional collegial decision-making modes. However, the adequacy of the collegial system is crucial to continuing coexistence. Should faculty members become disenchanted with collegial decision-making mechanisms, our findings suggest that an expansion of the scope of bargaining to include academic and policy matters becomes more likely (p. 428).

Another reason faculty unions may pursue issues that are historically the purview of the faculty senates is that when they are hard-pressed to deliver on matters typically within the traditional scope of bargaining, in an effort to secure some deliverables for union members, it can often mean securing contract provisions that can overstep what was previously the domain of the campus senate. Evidence of union expansion into the faculty senate’s purview is Kemerer and Baldridge’s (1979) study which highlighted that
more than 50% of the presidents and faculty union chairpersons agreed that, “our union is gradually moving into educational issues, trying to influence curriculum and program decisions” (p. 263).

To complicate matters, even under positive circumstances, the challenge for both union and faculty senates is that they both represent the same constituency. Garfield (2008) points out that the faculty senate and unions can be at odds with one another, both claiming to be speaking on behalf of faculty. He noted that:

collective bargaining may also have direct and indirect effects on shared governance entities and procedures, primarily on academic senate functions. In a nonunion environment, academic senates often are the major proponents of faculty concerns such as academic freedom. Many unions view the level of academic freedom on campus as a type of working condition that should be thoroughly addressed in the collective bargaining agreement. Some academic senate leadership may not want to give up authority in areas where it has traditionally exercised power and may resist shifting such matters to the collective bargaining process. Conflict often arises between the union and the senate, resulting in a relatively unsteady and sometimes inconsistent faculty voice in governance (p. 28).

Continuing with this theme, White (1998) using a case study methodology, compared the experiences of two community colleges in California as they moved to implement the legislative mandates created by AB 1725 in California’s community colleges. The study was based in large part on “extensive” interviews conducted at both sites. He noted, in
relation to one of the campuses where the union had developed much more influence, that
the senate was marginalized. He found that:

in the central district office affiliated with “Central Community College District”
(pseudonym), the experience, although quite different, was equally reflective of
institutional history and culture. Task forces were immediately created to
implement the state policy, resulting in a representative council at each college
and one central district shared governance entity. In a district with no history of
strong academic senate leadership, the plan moved down a path that, contrary to
the goals of AB 1725, anticipated union, not senate, participation in shared
governance councils. With some arm-twisting, the senate ultimately gained
admission, although the union continues to have a strong role in the shared
governance model in this district” (p. 21).

Relatedly, Signoreli (1997), considering the case study of Union County College,
found that the impact of collective bargaining on the campus climate was one of division
and concluded that after years of union-labor relations “collective bargaining has
damaged shared governance,” noting that “the collective bargaining process intensifies
the division into ‘us’ and ‘them’ between faculty and administration” (p. 6). On this
point, Graham and Walters (1973) proffer that because the origins of collective
bargaining have industrial roots, the application of this process to higher education brings
with it the adversarial elements found in the carrying out of industrial unionism.
Similarly, Wickens (2008) argues that “union executives are inherently more liberal and
more antagonistic towards the administration than the more conservative senate
members. As a result, the faculty as a whole [are] represented by a more hostile group,
creating a more adversarial and less cooperative relationship with the administration” (p. 550).

Impact on Institutional Culture

Ponak, et al. (1992) found that “many faculty who have adopted collective bargaining harbor substantial reservations about its impact. For example, a study of Canadian universities (in which collective bargaining has been firmly entrenched for almost a decade) found that almost two-thirds of unionized faculty believed that collective bargaining had produced an overemphasis on rules and regulations while decreasing collegiality” (p. 419). Similar findings were reported by Drummond and Reitsch (1995) who found that collective bargaining redefined the governance process and therefore institutional culture by offering an “extreme form of shared governance, wherein the rules are legally rather than collegially established” (p. 57).

Ginsburg (1998) considering the decades long campaign to organize the faculty at the University of Pittsburgh, found concerns about the future of shared governance as a major concern for both pro and anti-union forces in the earliest days of the effort to unionize. According to Ginsburg (1998), “much of the debate during the 1976 campaign focused on questions of "shared governance." The competing organizations argued that bargaining would strengthen the faculty's role in governance by giving contractual status to agreements and procedures. The administration and anti-union faculty argued that collective bargaining would replace existing "collegial" relations (institutionalized in the University Senate) with an "adversarial" relationship that would endanger professional standards and academic excellence” (p. 2).
The faculty concerns at the University of Pittsburgh, considered from both points of view, are not uncommon. Over 30 years later, the debate among faculty seeking to unionize as a means of strengthening their faculty voice continues with regard to whether or not unionization strengthens or weakens shared governance, with some researchers suggesting that unions actually strengthen faculty participation (Ehrenberg, 2004, Rhoades, 2005; Rhoades & Slaughter, 1997) and others concluding the opposite. Returning to the University of Pittsburgh organizing efforts as a prime example, the first attempts to organize failed, according to Ginsberg (1998) because of concerns over the potentially adverse effects of unionization on “existing collegial relations” noting that the faculty there “saw a fundamental incompatibility between their self-identification as academic professionals and the AFT's identification with the labor movement and its perceived emphasis on economic issues” (p. 3).

American universities now have over 40 years of experience with faculty unions. Moreover, faculty interest in collective bargaining remains on the rise. Leach (2008) observes that “unionization of full-time and adjunct faculty has been gradually rising since the 1970s, creating ambiguities over how unions and other faculty bodies should share authority when participating in campus policy decisions (Aronowitz, 2006; Ehrenberg, 2004; Mortimer & Sathre, 2007). Important questions remain regarding the effects of faculty unionization on the long-standing university tradition of shared governance as an institutional consultation and decision-making process.

Over the last few decades, it appears that unions have deepened their role in university politics across the campuses with which they hold collective bargaining agreements. The literature suggests that faculty unionization appears to reshape the
nature of the unionized university’s shared governance processes but the effects are not uniform. However, while variations are found in the literature, it does seem to suggest that faculty unionization may result in the gradual erosion of the purview and relevancy of faculty senate bodies as unions, through the process of collective bargaining, have ventured into areas previously the realm of the faculty governance bodies. Faculty unionization appears to result in a loss of power and influence of faculty senate bodies. After decades of experience, the literature seems to suggest that faculty unionization has a palpable adverse impact on the shared governance process through the gradual encroachment of faculty unions on matters that were historically the purview of faculty senates. More needs to be learned about how faculty unionization and the introduction of collective bargaining process changes the power dynamics among the actors (administration, faculty senate, faculty union) present in the unionized university.
CHAPTER 3
METHODOLOGY

Introduction

The California State University system is a complex organization of 23 campuses from Humboldt in Northern California to San Diego in Southern California. Each campus maintains its own blend of a shared governance structure but common to all campuses is a set of practices and processes that provide all faculty with the opportunity for input at virtually every level of the organization. Unlike most traditional workplaces that have a much less inclusive decision-making process, the principle of shared governance is a key element of most college and university policy-making and business decisions. Broadly speaking, shared governance is a campus decision-making process that vests a broad range of campus employee constituents with authority and influence that elsewhere is left to an employer’s sole discretion and prerogative. Given the role of shared governance in the life of the university, it is indeed a significant conceptual social, political and structural “artifact” of the institution (Kuh & Whitt, 1988). As an artifact of the campus, these shared governance practices and processes are shaped and reshaped by a variety of internal and external forces and institutional circumstances.

The purpose of this qualitative research study is to explore the effects of faculty unionization on faculty senates and the shared governance processes at the campuses of the California State University. While the “effects” can be explored in relation to a
variety of university actors involved in the governance process (i.e., the effects on administration, the faculty, or even the union itself) this study focuses on the effects of faculty unionization on faculty senates and campus shared governance processes and explores the question of whether or not faculty unionization results in a loss of faculty senate power, influence and purview.

**Research Questions**

To explore the effects of faculty unionization on faculty senates and shared governance, the following questions guide this investigation:

What effect does faculty unionization have on campus Academic Senates as organizational participants in university shared governance?

1. How does faculty unionization affect the informal practice of shared governance on the campus?

2. How does faculty unionization affect the formal processes employed in the carrying out of the shared governance process?

3. How does faculty unionization affect the organizational purview of faculty governance bodies?

4. How does faculty unionization affect the power and influence of faculty governance bodies?

**Methodology Design**

Qualitative research encompasses a broad range of research designs and approaches. Merriam (2001) considers qualitative research to be “an umbrella concept covering several forms of inquiry that help us to understand and explain the meaning of social phenomena with as little disruption of the natural setting as possible” (p. 5). An
essential component to this mode of inquiry is an emphasis on understanding the participant’s experiences, or as in this study, of a particular phenomenon (Creswell, 2010). The qualitative form of inquiry is useful for this study because it seeks to understand the individual perception of faculty, or more specifically academic senators, as they experience the common phenomenon of shared governance in the context of a university where faculty are both represented by a union and simultaneously participate in university shared governance.

Phenomenological Research Design

Phenomenology emphasizes the importance of understanding the experiences of the participants in a given context or circumstance and values each unique perspective. Epistemologically, phenomenological approaches are based in a paradigm of personal knowledge and subjectivity, and emphasize the importance of personal perspective and interpretation. As such phenomenological approaches are powerful for understanding subjective experience, gaining insights into people’s motivations and actions, and cutting through the clutter of taken-for-granted assumptions and conventional wisdom (Lester, p. 1)

Given that the focus of this research is on the perceived “effects” of faculty unionization on the shared governance process, in contrast with a study about the individual participants or single institution, a phenomenological research design is best suited for this line of inquiry because of this study’s alignment with the following attributes summarized by Moustakas (1994):

- Studies of human experiences are not approachable through quantitative approaches.
• Focus[es] on the wholeness of experience rather than solely on its objects or parts
• Search[es] for meanings and essences of experience rather than measurements and explanations
• Obtain[s] descriptions of experience through first-person accounts in informal and formal conversations and interviews
• Regard[s] the data of experience as imperative in understanding human behavior and as evidence for scientific investigations
• Formulate[s] questions and problems that reflect interest, involvement, and personal commitment of the researcher. (Moustakas, p. 21).

These characteristics, common to phenomenological inquiries, allow the researcher to more fully explore perceptions of experience in all of their facets and intricacies in a manner not possible with other methodologies. This is particularly true when considering quantitative forms of inquiry that compartmentalize data in ways that close off the opportunity to engage what Moustakas (1994) describes as “the data of experience” (p. 21).

Conversely, phenomenological research methods allow one to deliberatively winnow through the complex and unique narrative of personal experience. As Lester (1999) notes, it is for this reason that “phenomenological methods are particularly effective at bringing to the fore the experiences and perceptions of individuals from their own perspectives, and therefore at challenging structural or normative assumptions” (p. 1). Here, this study does not seek to “measure” or “explain” but rather to bring to light the subjective experiences of the research participants using
their words to present personal accounts of their own observation related to the phenomenon of "shared governance" as it takes form in the context of a unionized university system.

**Data Collection Strategy and Tools**

Of utmost importance, it is the intent of this researcher to gather data in an ethical manner and in accordance with sound research practices and protocols. Mousatakas (1994) reminds us of the need to adhere to both ethical and established research principles including the right of participants to be fully aware of the purpose of their participation and their right to expect and maintain anonymity. Similarly, university policy applicable to this study requires all research be conducted in accordance with CSULB Academic Senate Policy related to the Protection of Human Subjects in research. This policy provides that "California State University, Long Beach has a moral and legal responsibility to safeguard the rights, welfare, and dignity of human subjects involved in research."

**Semi-structured Interviews**

This phenomenological study will utilize a semi-structured interview as the primary tool, and document analysis and site observations as supportive research tools for the study. The purpose and value of using the semi-structured interview is that it provides the researcher the opportunity to develop a personal rapport with the participant that contributes to a sense of confidence and trust. This confidence and trust is essential to in order to obtain candid responses to potentially sensitive questions. The interview tool will also allow the participants an opportunity to individually reflect on the events and issues most relevant to their experiences of the phenomenon. Moreover, while the
interviews will be guided by a preliminary set of interview questions, the informal nature of the interview protocol allows for the participants to respond in any manner they see fit, unconfined to predetermined and conventional responses or reactions.

Because of the central role in data collection, the interview protocol will be designed and adapted to efficiently and interactively capture the experience of faculty academic senators and their perceptions of the effects of faculty unionization on faculty senates and the shared governance process. It is anticipated that the participant interviews will present an opportunity to triangulate data from multiple sources in a manner unequaled for exploring the effects of faculty unions on the university shared governance using the participant’s experiences as a window to the phenomenon.

For example, while a survey method offers the opportunity to gather responses to highly structured questions, the phenomenological interview process allows the researcher to observe and engage the participant through dialogue, allowing for the opportunity to unearth a richer and thicker description of their perceptions and consequently the essence of their subjective experience. As such, an essential quality of this method, and its value to this study, is that it allows the researcher to not only capture the participant’s words in text form but also how they choose to emphasize those words, the body language they expressed during their use, and the emotions that are visually and aurally conveyed to me during the interview.

As indicated above, the open-ended interview will be a key component of the study’s data collection. The value of this tool is that it provides a forum for a less structured dialogue where the data emerges from, but is not bound by a rigid set of research questions (Mousatakas, 1994). Instead, it utilizes open-ended questions as a
means to provoke thought and gather data where the richness of the data is
interdependent not just on the initial questions but also from those questions that flow
from them as the dialogue unfolds. Regarding the use of the interview in qualitative
research, Patton (2002) notes that a necessary predicate for employing the interview as a
research tool is the belief that "the perspective of others is meaningful, knowable, and
able to be made explicit" (p. 341). During all interviews, I will use a digital audio
recorder to record the participant’s voice. I will also use a note pad to take field notes to
capture my impressions, thoughts, and ideas that derive from the interviews. At the end
of each interview, I will review my interview notes and summarize my immediate
reflections in order to ensure that I capture my thoughts and impressions as quickly after
the meetings as possible. Notes from these interviews will be transcribed immediately
after the meeting whenever possible, but no later than one day after the meeting.

Document Analysis

As discussed earlier, the design of this study calls for the semi-structured interview to
serve as the central data collection tool. However, document analysis will also be used in
order to relate the personal narratives of the participants with Academic Senate policy
and collective bargaining issues that emerge from the interview process. Because one of
the products of the shared governance process is often a document such as a university
policy or resolution, document analysis will contribute substantially to this study
particularly as references to documents emerge regarding university policies or academic
senate documents either through the interview process or meeting observations.

Document analysis may also be employed in order to establish an understanding of the
union’s organizational purview and its intersection with the academic senate and academic senate policy.

Generally, it is anticipated that the documents to be considered will be public documents such as campus Academic Senate policies, Academic Senate resolutions, agendas and minutes of senate meetings and faculty collective bargaining agreements. All of these documents are publicly available on the University website and because these documents are public documents, no permission is required for viewing and inspection. The documents will be located using the campus website search engines using keyword searches. For example, CSULB campus senate policies can be located using the terms “academic senate policy statements” in the university search box located on the main university web page. Because terminology may vary from campus to campus, the interview participants will also be asked to provide some guidance for locating copies of documents in hard-copy or electronic form. In determining the relevancy of documents, for purposes of this study, the CSU-CFA Collective Bargaining Agreement and all Academic Senate policies which have an overlap in subject content with the CSU-CFA Collective Bargaining Agreement will be considered presumptively relevant. The relevancy of other documents will be ascertained using the research participants as guides.

Regarding document analysis as a research tool, Yin (2009) comments on the variability and value of document analysis and how it contributes to a greater understanding because it can help situate data within a particular time and place. It also serves as an additional source for understanding both congruent and divergent sources of data. However, Yin (2009) also cautions about the limitations of this tool noting that
“records were produced for a specific purpose and a specific audience... and these conditions must be fully appreciated in interpreting the usefulness and accuracy of the records” (p. 106). Similar to utilizing document analysis, campus observations will also be made in order to gain first-hand knowledge of the phenomenon under consideration.

Site Observations

It is also anticipated that site observations will occur on several of the campuses represented by the participants in this study. The purpose of the observations would be to watch “shared governance” in action and to capture first-hand impressions of the phenomenon under consideration. These campus senate observations will be valuable opportunities to supplement the data gathered from the participant interviews and to witness the informal practices, protocols, and courtesies that are not dictated by formal policy but that are nonetheless provided to academic senators and campus groups including the faculty union. Additionally, to the extent possible, the researcher will also observe Academic Senate committee meetings where a committee’s mandate relates directly to faculty terms and conditions of employment and/or where the faculty union is provided a formal seat on a committee by virtue of its role as the faculty’s exclusive representative in employment matters. During all meetings that I attend, I will use a note pad to take field notes the Academic Senate meetings. At the end of each observation, my field notes will be reviewed and my immediate reflections summarized to ensure that I capture my thoughts and impressions as quickly after the meetings as possible. Notes from these observations will be transcribed immediately after the meeting whenever possible, but no later than one day after the meeting.
Instrument: Interview Protocol

An interview protocol was developed using open-ended questions designed to explore the perceived effects of faculty unionization on faculty senates and shared governance. The questions were developed based on themes that emerged from the literature which offered several key areas of exploration. The emergent themes include the state of faculty collective bargaining rights in the United States and its impact on faculty unionization, the lack of faculty influence in university decision-making as the impetus for faculty unionization (faculty hopes/expectations regarding unionization), the effects of unionization on the traditional role, purview, and influence of faculty governance bodies, shifts in university power balances as the union expands its influence, if not jurisdiction, into areas previously considered the realm of the senate and/or administration, and the overall impact on institutional culture and campus decision-making in a collective bargaining environment. Additionally, while the thematic questions were drawn from the literature, a report on a 2001 survey conducted by the California State University Academic Senate provided a useful set of introductory and background-gathering questions.

Following the creation of an initial draft of the study’s interview protocol, a consultation with my chair yielded some recommendations and subsequent changes. At this stage, two of the first set of questions were modified to allow for a broader range of possible responses and a third question was removed both to minimize the time required by the survey and because the responses would not likely lead to data pertinent to the study.
Another change related to the participants targeted for inclusion in this study. Initially, the idea was to interview from a cross section of faculty, union representatives, and administrators but the protocol was revised to focus on current faculty Academic Senators in order to gather a greater amount of data from participants who are members of the academic senate and members of the union bargaining unit.

Pilot Study

A pilot study of the protocol was conducted with two individuals on the CSULB campus. Both individuals are either current Academic Senators that met the experience criteria required of potential participants. The first interview occurred through chance when the opportunity to interview someone meeting my criteria approached me while I was having lunch and preparing for my scheduled pilot interview. The first interview was not recorded but we walked through the questions and he provided responses to the questions as well as suggestions on what might help draw out responses that were relevant to the study. This first discussion contributed to a revision of several questions and I also identified several examples that were later used in my second pilot interview.

The second interview was conducted as scheduled in the faculty member’s office. This interview was 90 minutes in length and was audio recorded. A transcript was not produced but the recording was listened to at least three times by the researcher in order to further refine the interview protocol. This second interview also yielded more changes to the protocol based on responses received and based on the need for clarification when questions were asked. Several questions were also eliminated due to an identified redundancy in questions and to minimize the time commitment of the participants.
Additional examples were also added to several of the questions to help potential participants understand the question more clearly.

**Site of Study**

The site for this study includes five of twenty-three public universities in the California State University system (CSU). These campuses are all located in southern California and mid-size to large campuses in the system. The multiple campus strategy for data collection was arrived at after thoughtful consideration about the benefits and downsides related to obtaining participants from a single site compared to several CSU campuses. This study will draw from several southern California CSU campuses. In addition to the challenges and potential issues related to conducting the study on a single campus, this approach will also help me better protect the identity of my participants. It will also give me the ability to consider the different experiences related to the variations unique to each of the campuses operating in the same educational system.

**Sampling**

This study will utilize a purposive sampling approach to identifying potential participants. This form of sampling is useful in identifying participants based upon the pre-determined criteria developed for this research (Welma & Kruger, 1999). In this study, the intended participants were ten to twelve academic senators with at least two academic years of service in the academic senate of their employing campus. Creswell (1998) recommends comprehensive interviews with as many as ten participants for a phenomenological study. Boyd (2001) similarly found that between two and ten participants are needed to achieve saturation in phenomenological research.
Procedures

An important part procedural element of this study is that the researcher will be as removed as possible from the outreach and solicitation of potential participants for the study. As such, it is intended that the current academic senate chairs at each of the campuses in the study will serve as gatekeepers for identifying academic senator participants. The role of the gatekeeper will be to facilitate access to potential participants and to help bring credibility to the importance of the study, thus provoking interest and increasing the likelihood of participation by would-be participants.

The actual recruitment of study participants will occur as follows. During the month of November and the early part of December, campus Academic Senate Chairs were asked to send out an email communication (developed by the researcher) to senators regarding the study. November and early December are an appropriate time because all campuses will be in session. The introductory email communication provided the recipients with the information about the purpose of the study and the information necessary to determine if they meet the requirements for participation in the study. The communication provided instructions, including a deadline of December 31, 2011, as well as contact information for use by individuals who believed they meet the criteria and wanted to participate in the study.

Once the deadline has passed, the researcher reviewed the responses and confirmed those respondents that meet the predetermined criteria. After sorting of the responses, the researcher arranged a phone conversation in order to make initial contact and arrange for a meeting to conduct the interview. The participant was asked to identify a meeting location of his or her choosing, including an option to conduct the meeting off-
campus. The time of the meeting was at a mutually agreeable time, with due consideration for the anticipated length of the interview since the objective was to complete the initial interview in one meeting.

The interview began with an explanation of the process, including an explanation that the interview will be recorded. The participants were given the opportunity to opt out of the audio recording in which case I took notes of the meeting. The participants were also be informed that they may skip any question they choose not to answer by simply indicating that they would like to move on to the next question. Lastly, the participant will be informed of the confidential nature of the interview and this researcher’s commitment to do everything possible to maintain their anonymity. Nonetheless, the participants will be informed of the risks of a potential breach of confidentiality.

Interviews lasted approximately 60 to 90 minutes and were recorded in a digital format. Throughout the interview and after each session, the researcher took notes of any relevant observations from the interview not captured in the audio recording. The researcher also captured any reflective thoughts about the interview for future consideration and analysis. Notes from these interviews were transcribed immediately after the meeting whenever possible, but no later than one day after the meeting.

Data Analysis

The transcribed interview data gathered in this study will be initially organized based on the themes identified from the researcher’s review of the literature. However, in addition to the predetermined themes identified from the literature, new themes and codes will be developed inductively from the data (Glaser, 1978). The interview transcripts will
be reviewed and coded based on their alignment with each of the identified themes.
Coding is an interpretive device that allows the researcher to manage the data collected and makes interpretation possible and data relationships and connections visible to the researcher. As Moustakas (1994) notes, “organization and analysis of data begin with regarding every statement relevant to the topic as having equal value. The meaning units are listed and clustered into common themes. These are used to develop a textural description of the experience. From this an integration of textures and structures into the meanings and essences of the phenomenon are constructed” (p. 118). With this in mind, it is anticipated that the initial codes will be developed from the interviews themselves as common concepts and ideas emerge from the data. Throughout the study, the constant comparative method will be employed and the themes and codes employed will be regularly reconsidered and refined over the course of this study. As Glaser (1965) notes “the purpose of the constant comparative method of joint coding and analysis is to generate theory more systematically” (p. 437). Glaser summarizes the constant comparative method of coding and analysis as having the following four stages: “comparing incidents applicable to each category, integrating categories and their properties, delimiting the theory, and writing the theory” (Glaser, p. 439).

Protection of Subjects

This study will be conducted in accordance with CSULB Academic Senate Policy 00-03 (Protection of Human Subjects). This policy provides that "California State University, Long Beach has a moral and legal responsibility to safeguard the rights, welfare, and dignity of human subjects involved in research. The University is committed to the ethical principles for the protection of human subjects in research set forth in the
Belmont Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (1979). The three basic ethical principles upon which the federal standards for research in the United States are based include Respect, Beneficence and Justice (CSULB Academic Senate Policy 00-03).

One form of participant protection is informed consent. This disclosure ensures that participants understand the voluntary nature of their participation and their rights in the process. As such informed consent (appendix A) is one of the most important participant protection tools. With this in mind, participants in this study will be provided with a description of the study, the details regarding their expected time commitment, and details regarding their rights as a participant, and the potential risks and benefits related to their involvement. As part of this study's adherence to University requirements related to informed consent, risk benefit assessment and subject selection, the researcher will only include voluntary participants. The research objective will also be clearly articulated to the participants in a manner that is easily understood by the participants and all appropriate actions necessary to ensure the confidentiality of the participants will be performed.

**Trustworthiness and Positionality**

As an insider in the CSU administration, my personal views of how faculty unions can impact shared governance and my perceptions about their motivation for doing so can also impact my exploration of the topic. Moreover, there are many personal attributes and lived experiences that could impact my capacity to manage my personal biases and assumptions as I explore this issue. For one, I have worked in the area of labor relations...
for over 20 years representing both labor and management and the familiarity of the subject matter can cloud or color observations and conclusions.

Additionally, I currently serve as an administrator in the CSU in the area of employee relations and in my professional role I am among those charged with negotiating and implementing the collective bargaining agreement. I am currently a member of the CSU bargaining team engaged in negotiating a contract under very contentious circumstances. This researcher recognizes that the impact of my professional role cannot be minimized during the participant identification and selection process as well the “level of disclosure a participant displays” during the actual interviews (Ortiz, p. 42).

With the above in mind, and because of my organizational position, the researcher will remain mindful of the need to avoid exploitative arrangements that utilize organization position or authority to obtain participants through coercion or favor. As Ortiz (2003) reminds, it will be of great importance to the trustworthiness of this study to remain vigilantly aware of the undue influence that can come from the administrative relationship between the researcher and participant.
CHAPTER 4
STUDY FINDINGS

Introduction

This study focused on the effects of faculty unionization on the shared governance processes of the university/college post-unionization. Specifically, the purpose of this study was to explore the effects of faculty unionization on the role of academic senates in the shared governance processes and explores the question of whether or not faculty unionization results in a loss of power and influence of academic senate bodies. To explore the effects of faculty unionization on faculty senates and shared governance, the following research questions were paramount in guiding this investigation:

What effect does faculty unionization have on campus Academic Senates as organizational participants in university shared governance?

1. How does faculty unionization affect the informal practice of shared governance on the campus?

2. How does faculty unionization affect the formal processes employed in the carrying out of the shared governance process?

3. How does faculty unionization affect the organizational purview of faculty governance bodies?

4. How does faculty unionization affect the power and influence of faculty governance bodies?
At the beginning of the interview, participants were provided and asked to read AAUP’s description of shared governance in order for the participant and I to begin a conversation about the shared governance using a common meaning. The following excerpt was shared with the participants:

According to AAUP, shared governance refers to: governance of higher education institutions in which responsibility is shared by faculty, administrators, and trustees. The AAUP emphasizes the importance of faculty involvement in personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies. Faculty should have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process (from AAUP’s Statement on Government of Colleges and Universities).

After reading the AAUP description, participants were asked to reflect on various aspects of shared governance as experienced on their respective campus. What follows in this chapter is a presentation of the participant’s reflections on shared governance. It begins with a brief review of the study’s participant criterion and site of the study. This is followed by an introduction of the participants themselves. The key findings are then presented thematically based on the study’s primary research question and sub-questions.

**Study Participation Criterion**

This study utilized a purposive sampling approach to identifying potential participants. This form of sampling was useful in identifying participants based upon pre-determined criteria developed by the researcher (Welman and Kruger, 1999). The minimum requirement for participation in the study was that participants needed to have
served at least two academic years in the academic senate of their employing campus. In determining the number of participants, I considered Creswell’s (1998) recommendation of ten comprehensive interviews for a phenomenological study as well as Boyd (2001) who found that between two and ten participants were needed to achieve saturation in phenomenological research. In line with this, twelve participants were sought for the study and ultimately thirteen participants were interviewed.

Study Site

The study began with the objective of drawing participants from five of the twenty-three public universities in the California State University system (CSU). In the end, participants were drawn from three CSU campuses out of the five originally targeted campuses. All three campuses are located in the southern California area and are mid-size to large size campuses in the system. The multiple campus strategy for data collection was arrived at after consideration related to the advantages and disadvantages of obtaining participants from a single campus compared to several CSU campuses. This multi-campus approach offered the opportunity to consider the commonalities and variations across campuses that operate in the same educational system and under the same collective bargaining agreement.

Participant Overview

All thirteen participants in this study engaged in a one-on-one semi-structured interview with me. The value of using the semi-structured interview was immediately apparent in that it provided me with the opportunity to develop a personal rapport with the participant that contributed to a sense of confidence and trust. This confidence and trust was essential to obtaining the candid responses provided by the participants and to
receiving an invitation to jointly explore the participant’s personal experiences. This 
process also provided the participants an opportunity to individually reflect on the events 
and issues most relevant to their experiences with shared governance from their own 
vantage point, allowing me to unearth a richer and thicker description of their perceptions 
and consequently the essence of their subjective experience. The result was a dialogue 
that yielded responses that were unconfined by predetermined and conventional 
responses or reactions and allowed me to explore the effects of faculty unions on 
university shared governance using the participant’s experiences as a window to the 
phenomenon.

Participant Background Information

Participant 1 grew up and attended college on the northern east coast where he 
earned his Ph.D. Upon earning his doctorate he came to California in 1969 and began his 
academic career as an assistant professor in the California State University (CSU) 
system. Over the span of his career, he has chaired four academic departments. In 
addition to being a seasoned academic, Participant 1 is also an experienced senator, 
having served on his campus Academic Senate for many years, including multiple terms 
of service as chair of the campus Senate. Additionally, he has also chaired the CSU 
Statewide Academic Senate for several terms. Participant 1 has also served as a senior 
academic administrator on his campus as well as in the CSU Chancellor’s office. He is 
currently a full professor and department chair on his campus. Participant 1 is a member 
of the faculty union and reported being active in the union over the years, including stints 
of service union leadership roles.
Participant 2 earned her doctorate in 2003 and began employment in the CSU in 2004 as a temporary faculty member. Shortly thereafter, she applied for and was hired into a tenure-track position in 2005. Within a year of beginning her tenure-track appointment, while still a very early in her career as a probationary faculty member, Participant 2 began her service on the campus Academic Senate. Prior to this, participant 2 had no experience serving in a senate body. Participant 2 has served in several key senate committees, including the senate nominating committee, and has participated in several senate initiatives relating to issues of diversity requirements in curriculum and in the expansion of the University’s non-discrimination statement. Participant 2 is a member of the faculty union and conveyed a firm believer in collective action. She reported that she has never served in any official capacity in the union.

Participant 3 grew up and completed his undergraduate studies in a small nation in West Africa. He earned his doctorate in Canada. He began his employment in the CSU in 1999 as a temporary faculty member. He was appointed into a tenure-track position in 2000. He is currently a full professor and is in his second term as chair of his department. Participant 3 has served on his campus academic senate for three years and has no other experience as an academic senator. He has served on the senate’s committee charged with curricular policy. Participant 3 is a member of the faculty union and joined when he began his employment in the CSU. He reported that he has been active in the union for over a decade and has served in various capacities on the executive board of his campus union. Although no longer serving in an official union leadership capacity, he remains supportive of the union.
Participant 4 earned his doctorate in 1992. His first tenure-track job was in a college system that was organizationally similar to the CSU but in a “right to work” state in the southeastern United States. He reported experiencing faculty governance at this institution as a stark contrast to the CSU. Participant 4 has been employed on his current campus for 12 years and is currently a full professor and chair of his department. Prior to his appointment to a tenure-track position in the CSU, Participant 4 was also a lecturer for several years at several southern California campuses in both the UC and CSU systems. Participant 4 has served on his campus academic senate for the last seven years and is on his third term as a senator. During this time he has served on several key senate committees including the committee charged with addressing faculty personnel matters. Participant 4 is a member of the faculty union but reported that he has never served in any official capacity in the union. Nonetheless, he reported that he is a strong supporter of collective bargaining.

Participant 5 earned his doctorate in 1997. Prior to his employment in the CSU system, he spent ten years working at unionized university campus on the east coast. He began his employment at this institution as an assistant professor and was promoted to full professor prior to leaving. Participant 5 was hired into the CSU system as a department chair and has been employed on his current campus for five years. He is currently a full professor and chair of his department. Participant 5 has significant experience with university governance outside the CSU system. He began as a student senator and eventually served as chair of his former institution’s academic senate. Since coming to the CSU system, he has been a member of the Academic Senate for four years,
including two years on the senate executive committee. Participant 5 reported that he has been a member of the union at both his former and current institution.

Participant 6 earned his doctorate in 2000. Participant 6 has been employed on his current campus for over thirty years and is currently an associate professor. Prior to his appointment to a tenure-track position, Participant 6 was a lecturer at his current campus for approximately twenty years. He is currently in his third term on the academic senate. During his time as a senator, he has served on several key senate committees including the senate executive committee. While he has not served in the union in any official capacity, Participant 6 is a member of the faculty union and reported that he has been a member of the union since it was officially recognized as the exclusive representative.

Participant 7 earned her Master’s degree in the early eighties and she has been employed as a Lecturer at her campus for over 20 years. She served as a lecturer representative on the academic senate of her institution for approximately ten years. In addition to service on the university-wide senate, she has also been involved in faculty governance at the department and college level. She is a member of the union but reported that her involvement in the union came much later in her employment. Nonetheless, she is currently an officer of the union for her chapter and serves in several key roles in her union.

Participant 8 earned his doctorate in the mid 1960’s and he has been at his current campus since 1966 and is currently a full professor. He is a highly experienced senator, having served for many years as a member of both the CSU statewide academic senate and his campus academic senate. His service on the Senate has included serving as chair
of the campus and statewide Senate as well as a variety of senate committees. Participant 8 is a member of the faculty union and reported that he has been a union member since the union won certification but has not been involved in any official role.

Participant 9 earned in his doctorate in 2000 and began his employment in the CSU system as an Assistant Professor in 2004. He is currently an associate professor and is also serving as chair of his department. Prior to serving on the campus senate Participant 9 served on several campus-wide committees as an appointee of the campus senate, including the enrollment management committee, and the program assessment and review committee. He served three years on his campus academic senate. Participant 9 reported that has been a member and supporter of the union since he began his employment with the CSU because of his belief in unions and collective bargaining. While he reported being involved in a number of union activities, he has not served the union in an official capacity.

Participant 10 began his employment in the CSU system as a lecturer in the late nineties. After several years as a lecturer, he was appointed to a tenure-track position after earning his doctorate. He is currently an associate professor and is also serving as chair of his department. Participant 10 is currently in his third term on the academic senate. During his time as a senator, he has served on several key senate committees including the senate executive committee and has served as vice-chair of his campus senate. Participant 10 reported that he has been a member and supporter of the union since he began his employment as a lecturer because of his belief in collective bargaining. He has not served in any official capacity with the union. However, prior to
joining the union as a faculty member, he reported that he was very active in the effort to unionize graduate students while working on his graduate studies.

Participant 11 began her employment in the CSU system as an Assistant Professor after earning her doctorate in 2003. She is currently an associate professor. Participant 11 reported that she served on her campus senate for three years when she was still an untenured faculty member. She is a member of the faculty union and indicated that her decision to join was “an automatic response” based on her experience as a K-12 teacher. Participant 11 indicated that she is a supporter of the union but also recalled instances where she was in disagreement with some of the positions taken by the union. She has not served the union in any official capacity.

Participant 12 earned in her doctorate in 1995. She reported that she has worked at four different campuses, three of which were outside the CSU. Two of these four, including her current campus are unionized. Her employment in the CSU began in 2005 as an Associate Professor. Participant 12 is currently a full professor and has also served as chair of her department for several years. She has served on her campus senate for about five years and is currently chair of her campus senate. As chair of the Academic Senate, she participates in the senate executive committee. She was not involved in the senate at any of her former institutions. Participant 12 reported that she has been a member and supporter of the union since she began her employment in the CSU. She was also a member of the union at a former institution. Although she does not serve in any official capacity with the union, she actively participates in union activities and communicated her belief that unions are a good thing for workers.
Participant 13 began her academic career in the CSU system in 1992 as a lecturer. After three years, she was appointed to a tenure-track position. She is currently a full professor and serves as chair of a department in her college. She began her role on the senate as an alternate but has since served more than six years in various capacities. Her senate service includes three years on the senate executive committee. Participant 13 is an active member of the faculty union and previously served as an officer of the union for her chapter. She remains involved and serves in several key roles in her union. Her support for the union stems from her experiences in organizing efforts and activities of the late sixties and seventies.

Table 1. Basic Participant Characteristics.

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<thead>
<tr>
<th>Participant</th>
<th>Position(s)</th>
<th>Years on campus</th>
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**Study Findings**

This study considered the effects of faculty unionization on campus academic senates in the CSU and explored the question of whether or not faculty unionization
resulted in a loss of academic senate power, influence and purview. The study was informed by a review of the literature which revealed several key themes such as the evolution of employee collective bargaining rights and its impact on faculty unionization (Annunziato, 1995; Biblo, 1976; Cantor, 1997; DeCew, 2003; Farber, 2005; Graham & Walters, 1973), the lack of faculty influence in university decision-making as the impetus for faculty unionization (Boris, 2004; Castro, 2000; Drummond & Reitsch, 1995; Giacquinta, 1976; Ladd & Lipset, 1973), the effects of unionization on the traditional role, purview, and influence of faculty governance bodies (Castro, 2000; deCew, 2003; Garbarino, 1975; Garfield, 2008; Kemerer, 1975; Kemerer & Baldridge, 1981), shifts in university power balances as a product of faculty unionization, and the overall impact of faculty unionization on the institutional culture and campus decision-making process (Aronowitz, 1997; DeCew, 2003; Garbarino, 1975; Ponak, et al., 1992; White, 1998). These themes in turn served as a guide for the development of the study’s research questions and interview protocol instrument. This section presents the study’s findings using the primary research questions and its sub-questions as an outline for the presentation of the results.

**Sub-question 1: How does faculty unionization affect the informal practice of shared governance on the campus?**

**Election of Senators**

Several participants indicated that the union has been involved in directly contributing to who gets elected to the senate. For example, Participant 1 attributed his election to the senate as a product of union support. “They play a heavy role in the election of who gets to the senate. They push ... I’m a member, so they pushed me. They
support slates of candidates, so union friendly candidates get elected on senates.” Even so, he suggested, “That’s not always bad, because you have...when you have strong administration people on the senate you need to counter balance that...and then sometimes for me I have a difficulty finding which side [union or administration] is on the side of the angels.”

Interestingly, whereas participant 1 reported being a beneficiary of the union’s support in his bid for the senate, Participant 8 reported the opposite. “I’ve been a member of the statewide senate every year except one, when CFA went after me, and they tried to get me the second time, but they didn’t.” Participant 10 also observed union involvement in elections from his own personal experience. “Well I think that the union does get involved at election time to make sure that active faculty members run for offices in the senate and I think that they have historically in the past tried to influence the outcome of elections by encouraging people to vote for certain leadership...Having been on the other end of that, I know that certain things go on and...but anyway...So they do have a role in encouraging people to run and occupy the offices, to run for senate, and then they also do try to have an impact on elections.”

Participant 3 similarly reported union influence in elections but suggested that it was not just a one-sided influence. “It’s almost like the administration and the faculty union, are like political parties who are on opposite sides...Who don't seem to see eye-to-eye.” With regard to the union’s efforts to elect union-friendly senators, he said “I think ideally the faculty union would want people on the senate that may...even if it's not to push a union agenda, but at least may have been involved in the union or in union activities, [so that they] have an idea of where the union stands on some issues and
maybe if they also have the same stance on some of those issues then maybe they push that across.” As a member of the union, he supported this effort but also said “but there's a few colleagues that think that the union might be pushing too hard to have their views represented, I think, in major decision making.”

As a former officer and current member of the union, Participant 3 offered a unique opportunity to dig deeper into the Union’s interest in electing campus senators. I asked if he could explain more about the union’s rationale for its political involvement in the senate. His response revealed a much larger context than the campus itself. “I think there is a suspicion especially that some directives [discussed in the campus senates] may be coming from the Chancellors office and I think the union is highly suspicious of some of those. So it may not necessarily be against our administrators but that maybe it's part of a larger agenda…And I think the union feels, rightly or wrongly so, that some of those things may be disguised so it may seem like it's in the interest of faculty…I think the union feels it is its responsibility to get faculty in who they think are familiar with some of those dealings, who may be able to spot some things that may not necessarily be in faculty's best interest. Whether that is the right thing to do or not, I don’t want to be the judge, but at least I think that there is a perception there sometimes that the union tries hard to get people into those positions where they may be able to project the union’s views.”

Informal Influence on Senate Committees

Up to this point, participants have discussed the union’s role in electing union-member candidates to the senate. However, Participant 4 observed a much deeper involvement at the senate committee level. He noted that “the union knows that the
nominating committee is very, very important because the kinds of decisions and the recommendations that they make influence policies that affect the membership very strongly... My experience on the nominating committee is they try very hard to get very strong union voices to be in the positions that make the decisions about who’s on these [senate] committees. So for example, in the last couple of years there are [several] members on the nominating committee who are very strong union advocates. I’m not saying that’s good or bad...it’s wise on the part of the union...but it also tends to skew sometimes how these committees get populated and who’s representing whom because they think that it will give a slant to a committee that’s making decisions.”

Elaborating further on the potential impact, Participant 4 commented, “I think it’s one of those sub rosa elements, you know kind of beneath the surface, and I think that it’s not a situation where people will say ‘well, I want to have more union members on that committee’ but if you have four out of the 12 members on the nominating committee who are very outspoken union advocates and sometimes officers and you barely make quorum at some of the meetings with seven or eight people and all the union people are there, they’re making the decisions for who goes on those committees...I don’t mean that as a negative commentary on the union and I hope that doesn’t come out in our conversation that way because I’m a very strong union advocate, but I think that there’s kind of a disconnect between the ideals of the union and what we want to see and then how it actually functions.”

Another aspect of the union’s informal interaction with senate committees stems from the senate policy writing process. Participant 6 recalled an instance where he was “summoned” by the union to discuss a policy his senate committee was developing. In
this particular instance, Participant 6 was chairing a committee charged with addressing
general education policies. He recalled “there was an issue on workload and a policy
[was being] changed and [as a member of this committee] I get summoned to the CFA
[campus] president’s office and they’re saying ‘you’re increasing faculty workload.
That’s not right’, blah, blah, blah…And it was just a matter of [the union] not
understanding what the change was…I’ve had that happen a couple of times…and I
guess what appalled me the most about it is that I’m a faculty member and I’m very,
very, conscious about faculty workload and expectations and the whole thing had been
streamlined to actually reduce faculty workload and obligations, and to make things
simpler for the faculty member.”

He also observed other circumstances where he felt the union was being used by
individual faculty and pushed into involvement where the union would not ordinarily
have an interest. “Sometimes there’s faculty whose intention is to stir the worm can and
you know, they sometimes do that through the union in order to express opinion about a
policy coming forward that they really don’t have an understanding of …Or they’re just
up in the air anyway and the way they stir things up is they light a fire under their union
president who then doesn’t have all of the data and then you get summoned.” Consistent
with this, Participant 11 said “sometimes people use the union to their benefit but don’t
want it when it doesn’t work in their favor or doesn’t fit their mold.” Likewise,
Participant 9 commented that “at the end, [the union] is where nobody wants to go until
they need help, and nobody wants to embrace it until they need help.”
Sub-question 2: How does faculty unionization affect the formal processes employed in the carrying out of the shared governance process?

Participants reported a number of ways in which the formal processes of shared governance were affected by the union on their campus. Some participants viewed the role of the union as one that is distinct but still congruent and important to the work of the senate. For example, Participant 9 viewed it this way “So, the Academic senate[s] address academic policy and procedures, the hiring of people, and what not. Whereas I think the union really helps protect faculty, or staff where unionized. I think that the union really then serves to protect the interest of the individual faculty, so that the senate itself doesn’t undermine the rights of people...I think they work in parallel.” Participant 2 made a similar observation in response to a question regarding the union’s impact on shared governance. “I’m not really sure that I think that it does. I see them as separate. The union protects jobs and the senate deals with academic issues.”

Support for Faculty Serving as Senators

Several participants in this study served in their campus senate while still early in their career and untenured. They brought an interesting observation to the discussion given their particular vantage point. Participant 2 said “I suppose that I can see a scenario where unionization would allow people to feel free to participate and disagree with less fear of retaliation...and if they were retaliated against, they could consult the union regarding their faculty rights.” For this reason, she argued “faculty unions are essential to university shared governance...speaking as an early-career professor, and only recently tenured, it was really intimidating in the beginning to share my opinion [in the senate meetings] with my boss’s, boss’s, boss looking at me from the other side of the room...In
general, when you have a group with a lot of power and another with less and varying
degrees of power, I think that belonging to a faculty union gives one the reassurance and
the right to speak honestly and openly in a forum like that.”

Participant 11, another junior faculty member made a similar observation. “I
always felt comfortable having someone, not just my colleagues but also a union rep
there that could [be a witness in the room] … because transcripts don’t always say that,
they don’t show body language, they don’t show eyes rolling, or show murmurs in the
background of people talking “oh my gosh, did you hear what she just said?” where
having that body, that physical being in that room, if anything [I said] is ever taken out of
context or there is any repercussions or just anything because. . .I’ve always been told,
‘until you are tenured don’t say anything’ that’s sort of the line. So, here I’m going into
this room of sharks that know the history of this university and have been around forever,
and I’m not going to speak up, I mean that’s sort of how… speaking of non-tenured
faculty, it’s like the last place I’d want to talk. So [with the union] there was always that
sense of security.”

Influence of Discourse and Policy Development

A major theme that emerged related to the formal influence of the union in the
shared governance process was that of the union’s ability to influence the discourse and
ultimately policy development in the senate. I asked Participant 10 about the union’s
effect on the senate’s discussion. “Well I do think it structures it. I mean it certainly limits
because…and it also depends on the attitude of the senate leadership at the time because
you may have a senate leadership that may be more willing to take on the CBA, or
disregard the CBA, and you may find that on some campuses. On our campus, under the
current leadership, that doesn’t seem to be the case...So the [union contract] certainly structures what we believe we can and cannot do. The last thing we would want to do is trample the rights of lecturers or trample the rights of faculty on our way to establishing policy. So it definitely plays a clear role.”

Participant 5 offered an example from his experience. “The Academic Senate had a wide variety of perspectives on [this] policy…and the union exercised in my opinion, undue influence on that process because they filed a grievance.” In his example, he noted that in his view the union’s position was not one held by the majority of senators. “So what you had is a handful of people strong arming the policy-making body into giving them what they wanted rather than the democratic process having unfolded, and…I mean, this is a paraphrase…but the leaders of the union basically came to the senate and said, ‘You will enact a policy that gives us what we want and then we’ll drop our grievance. If you don’t, well then we’re going to challenge your policy and we’re going to win.’ So, that to me is not shared governance. That is the power of quasi-litigation subverting shared governance.”

I asked another senator that was familiar with Participant 5’s example for their perspective on the matter. Participant 12 similarly observed that even with very limited formal authority in the senate, the union nonetheless “had an extraordinary ability to shape that policy, which in turn is an extremely important policy for how academic departments are run on our campus.” Speaking directly to the impact of the unions influence on the discourse and development of this particular policy, she observed, “I think that without that pressure or presence of the union rhetoric around those issues, we would have had an extremely different experience and outcome vis-a-vis [this] policy.”
Participant 6 also observed a union influence in the senate’s discussion noting that “Oh, I think it influences the senate. I mean there are some strong [union] voices. I think it influences everything the senate does.” Nonetheless, he was hopeful that it was not just one-sided, saying “I mean I would hope that even the senate influences the union, the way they think and propose ideas and solicit ideas, formulate policy, report to levels beyond [the campus] as to what our campus’ feelings are about [particular issues]...I would hope that it would be a two-way street there.”

He further commented that while he believed it was important to have a variety of perspectives, including the union’s perspective, he suggested that it was at times disproportionate and confused. He cautioned about how the union’s perspective can at times be somewhat muddled in their effort to represent a broad constituency. “I think there’s [a need to have] a unique balance that is there. Because some people hide behind the union on every little thing that goes wrong, they’re running to the union about it. I think sometimes the union’s perspectives...I know they have a large contingency to represent...and sometimes I think that contingencies’ representation gets confused.”

Along a similar line, Participant 3, speaking as a former officer of the union, noted “I'm not quite sure my decision for everything is influenced by the position that the union may have for that particular issue. It may be that some of the influence [comes] from some of the values that I may have embraced or some of the perspectives that I may have embraced while I was active...so I may be looking at it through union eyes, but not necessarily having a union voice telling me something about a particular issue... which I think is kind of good now because I think I probably would not feel very comfortable especially if there is a personal conflict between the way I see things and the way the
union does, because even being on the union e-board, there have been times when I personally may not necessarily have been too thrilled with certain union positions but sometimes you've got to be a team player and you got to go along...but now I'm not part of the inner team so I don't really feel that strong influence anymore.”

Lecturers, the Union, and the Senate

Participants reported varying degrees of lecturer involvement in their respective campus academic senate including one campus where lecturers where not recognized in the senate at all. Interestingly, while there is no contractual provision in the faculty collective bargaining agreement related to lecturers and their role in the senate, this variation in inclusivity of lecturers in campus senates was nonetheless viewed by several participants as a product of how much the campus union was willing to advance this issue. On this point, Participant 13, a former officer of her campus union, noted that senate policies on this question have evolved campus by campus based on the campus union’s views on the issue. She noted that her campus does not provide for lecturer representation on the senate and explained that “it’s just historic and it’s the way the constitution or the by-laws for the senate were written whatever many years ago.” Nonetheless, she believed that her campus senate’s thinking on the issue has seemingly changed. When asked about the possibility of providing lecturers with a seat in her campus senate, she indicated that “there would be openness to that happening” and said “I don’t know why CFA is not...that was on my agenda to pursue [when I was an officer], I don’t know why they’re not pursuing that right now.”

Participant 6’s observations offer a possible insight into the question of why the union would or would not pursue greater lecturer involvement in campus senates. He
pointed to the changes in the composition of the today’s professoriate that reflected substantial increases in the use of temporary faculty. He argued that these changes created significant challenges for the way the union represented the faculty, forecasting that the union would continue to face demands and pressures from several directions. “I think we’re going to see that more of that because the percent of tenured faculty has been decreasing and the percent of lecturers or part-time faculty have been increasing.”

Participant 7 is a lecturer representative on her campus senate that serves in what she described as a “dual role” as senator and union representative for lecturers. She offered a window into how the union grapples from within as it faces the challenges of representing a broad range of faculty interests. She recalled an instance where the duality of her role presented a challenge for her on the senate floor. “There was a conflict in my role in the Senate and [referring to a particular vote in the senate] I said [to the union that] I have to go with my role as a representative of the lecturers and not the union. Because that was, in my mind, the most important. But part of my obligation, and this is just who I am I think, is I told [the union] I am going to stand up against this as a lecturer. Even though you have told me as a union you don't want me to. This is my role here and I am going to stand up for it.”

Interestingly, I had the opportunity to listen to various perspectives from several participants that were familiar with example raised by Participant 7 above. The issue was a senate policy regarding the governance role of lecturers in the department. The senate was seeking to change long-established policy, in part as a result of issues raised in a union grievance. While the grievance process was in motion, the campus governance process also attempted to address the matter. In the end a compromise was reached, the
policy was adopted, and the union grievance was withdrawn. However, how this compromise was achieved, and the extent of union’s role in it, remains unclear. Participants familiar with the issue perceived role of the union very differently with some suggesting that the union placed undue pressure on senate to compromise by using the grievance process while another viewed the union as uninterested in a compromise, preferring instead to pursue a contractual remedy outside the senate.

Related to the increased use lecturers, Participant 6, a thirty year faculty member, underscored how the changes in faculty composition that he has observed over his career highlighted the need for the union to navigate its role in shared governance very carefully, recalling “when we had the last experience [over a senate policy where the union became involved] there was [it raised a question of] is the union representing the tenured track faculty or are they just representing the part-time faculty? Because when I first came, the number of lecturers was very small and the faculty composition was high in tenured and tenured track so there was a different perspective in how things were represented at that time by the union. [Back then] you could walk down this whole floor here and it would be all tenured faculty. That’s not true today…And when you look at what percent of our faculty on campus is tenured, probationary, versus what’s part-time, it’s a lot different than it was 25 years ago.”

Debate Preempted by Collective Bargaining

Virtually all participants reported circumstances where, due to an overlap in the purview between the senate and the union, there was a need to consider the collective bargaining agreement in the development of senate policy. A previous section of this chapter (Influence of Discourse/Policy Development) presented several of the
participant’s perceptions related to the affect the union and the collective bargaining agreement had on the discourse in the senate. This section addresses a related dimension of this affect and one that several participants viewed as having a much more profound and troubling impact on shared governance. While most participants generally acknowledged that, to one degree or another, the collective bargaining agreement influenced the debate in the senate, a few took this point a step further. For these participants, the affect went from influencing the debate, to “stifling” it, whether it was intentional or not.

Participant 6 provided an example. “We had a one or two session discussion on what your rank had to be in order to be department chair. The discussion in the senate was going that they had to be, I think, like full professors, which was a little unusual because there were members of the senate who were chairs and they were associate professors... Then they reference back to the CBA to see, okay, what does the CBA say about this?... that’s one case that I recall that the discussion was going one way and then we found out at the next meeting they said this is what we found out relative to the CBA.”

Participant 12 was present for the senate discussion referenced above and said “So we had an extensive debate about whether untenured people could be chair and it turns out that the collective bargaining agreement says anybody can be a chair if they’re a tenure-track faculty member, in which case we shouldn’t have had the debate... [even though] overwhelmingly our senate was in disagreement [with the collective bargaining agreement] that if you are untenured ... we were in disagreement with the collective bargaining agreement on that issue... [As did happen] the sensible thing was to really
debate that because what’s good for the campus could be debated there and decided [by
the senate] but it turned out it couldn’t be [debated], so we had to go back and strike that
vote.”

Participant 5 offered a view as one of several participants with senate experience
outside the CSU. He spoke about the contractual limitations placed on the campus
academic senate and offered a comparison to his former institution saying “Again, to me
[here] it’s a cart before the horse. The senate is constrained in making any policies by the
collective bargaining agreement. In fact if somebody suggests, ‘Well, we should do it
differently’ then somebody says, ‘That would violate the collective bargaining
agreement’ [so] then the amendment is ruled out of order and it’s not even debated, and
that to me is stifling. It perpetuates a status quo instead of an evolution, and it runs
contrary to the true spirit of shared governance.”

Sub-question 3: How does faculty unionization affect the organizational purview of
faculty governance bodies?

Effect on Academic Senate Purview

The previous section presented several participant’s view related to how the
discussion in the senate can sometimes be limited, if not curtailed, due to an overlap in
the senate’s and the union’s purview. Here several participants expressed concern about
occasions when the issue becomes more than a question regarding senate authority versus
contractual preemption which takes the form of a challenge regarding the senate’s
purview. For example, Participant 1 suggested that at times the senate’s purview itself is
challenged “because the union people may bring up ‘this is in the union’s purview’ [and
not the senate’s] and that frankly pisses off some people because that’s a …well then we can’t talk about it, or it stifles discussion, [and has a] chilling effect.”

Similarly, and speaking from a different campus context, Participant 8, observed that “the union is very definitely trying to move into the senate's area” and as a result, he argued, it was threatening the senate’s purview. On this issue, he offered a cautionary note to academic senates elsewhere, telling them to “hold on to your prerogatives…Hold on to your rights…Hold on to your areas of responsibility because if we don’t hold onto them, they’ll be taken away.”

I asked a participant who served in the leadership of the union about whether or not they had observed a mission creep in terms of the union’s area of responsibility and whether or not the union sought to grow that area of responsibility, particularly in areas that were traditionally the purview of the senate. They explained it by saying “I think so [and the reason is] I think that anything involving faculty, and decisions that the union thinks might affect faculty in so many different ways…I think they will try to be, if not directly involved, at least have voices heard or provide perspectives that people could present or try to defend.”

While most participants where only experienced with shared governance as practiced in the CSU, several had some experience in other unionized institutions. I asked Participant 5 for his perspective on the question of mission creep on the part of the union. He said, “I have not witnessed that, but only because the “mission creep” as you call it, predates my arrival on this campus to such an intense degree that the union basically, in my opinion, sees its purview as anything that touches faculty life in any way, shape or form. So, whatever policies might come out of shared governance structures, councils
and committees…there’s already this preexisting hierarchy where the union gets to veto whatever they don’t like through a grievance process that ultimately then gets resolved by an arbiter who may or may not understand the true principles of shared governance. Or, alternatively they write it into the next contract and void or nullify whatever creative campus policies may have come out of a shared governance collaborative effort…and people here just accept that. They think that oh that’s just the way it is and I have to sort of scratch my head and wonder do they understand the way it works at other institutions? Do they even have the slightest understanding that the union is subordinate to faculty shared governance bodies at the overwhelming majority of institutions in the United States, and that is not the way it is at Cal State.”

A comment by another participant who had experience with shared governance exclusively with the CSU illustrated Participant 5’s point in response to an entirely different question regarding policy decisions of the academic senate and the need to consider collective bargaining implications in the discussion and decisions. They relayed that “someone asked the question about the role of lecturers in [department governance] and there was discussion about what issues should be addressed by the senate and what issues should be addressed by the CBA. As I recall, between meetings someone checked the CBA and it was determined that there were certain things addressed by the CBA and it was helpful to have clarification on what was outside of our [academic senate] role.”

Sub-question 4: How does faculty unionization affect the power and influence of faculty governance bodies?

Impact of Actual or Perceived Alignment with the Union
Several participants spoke about how the CSU academic senates’ power of influence is impacted when they are viewed by the campus administration, the Chancellor’s office, and the Board of Trustees, as aligned with the union. According to Participant 1 when this happens senates are easily dismissed as being overly influenced by a union agenda, with a typical response being “it’s just a union thing.” Speaking on this point, Participant 1 commented “I think our Statewide Senate has been dragged in a bit. I think they’ve given [the Chancellor] some ammunition. That saddens me. I think elements of what [a former Chancellor] foretold have come true. I would… it’s my impression… that some of the key leadership positions in the Statewide Senate are union held, and if I held one, I’d be union-held too… I think there’s some truth to that.” Participant 8 similarly observed that “unfortunately [the Chancellor] sees the senate as an arm of the union.” He said “I tried to tell him it’s not true and [and others try] to tell him it’s not true but [he] has either a blind spot or a knee jerk reaction, depending on which analogy you want to use, to the union.”

Recognizing the impact of the alignment (or the appearance of it) with the union on their influence, some campus senates are attempting to address this effect according to Participant 1. He noted “You’re seeing a little push back. You know, there’ve been all these resolutions [by campus senates] condemning the chancellor, and according to our State Senators, there’s not the votes on the State Senate to push it, to give the Chancellor a total vote of no confidence, and the union has [been working hard] for that. They really are pushing that. They push it, push it, and the senates are backing away. Well, they’ve seen… there’ve been what nine [votes of no confidence] already around the state.”
Senate and Union Jurisdiction

An area where participants observed ongoing competition between the senate and the union related to which body has jurisdiction over issues. Participant 3 explained the context for this struggle in the following way. “I think it would be very difficult convincing the union to adopt what they may perceive to be a limited role. I think the union would always want the option of, if not officially intervening, at least getting their perception to be aired so people could see that there may be some potential consequences of some decisions...I think the union, if it involves faculty in any way, I think it's going to be hard to get the union to think ‘that is not my domain.’”

However, he also observed that this struggle was not one that was limited to senate and union disputes. He noted that “personally I think that is [also] one of the biggest problems between administration and the union right now in identifying, where does your jurisdiction stop and are you over stepping this by trying to influence this, one way or another...I don’t know...Good luck to whoever is going to try to define those roles. But as I said, personally I very much like clearly defined roles where people know what is within their jurisdiction and what is not.” On a similar note, Participant 5 observed “I don’t, I don’t think we have that here. I see our union as interfering with the operations of the Academic Senate having primary responsibility for faculty governance and shared governance on this campus. The Academic Senate’s hands are often tied by what the union has done without there having been adequate consultation from the senate.”

Relatedly, Participant 4 commented on the dynamics in the senate and the role of the union saying “I think that the union is able to work as a liaison between the faculty
voice and the administration. I’m sure that in everything from different labor relations issues to some of the larger policy issues, the union can potentially help guide the administration for what is feasible, and what is not, in the places where there’s flexibility, or where input is really valuable and necessary.” At the same time, he also noted “I don’t think that the union is entirely coherent on all issues. Therefore, I think a lot doesn’t get represented and we tend to kind of depend on and trust that the union will be advocating for faculty in a way that is coherent and makes sense, and this is just me talking to faculty colleagues, we’re sometimes uncertain about what the union is doing or why.”

**Competition between the Union and the Senate**

While there was no unanimity on the question regarding the existence of competition between the union and the senate for influence over campus administrators, the issue was certainly present in many responses. On one end, Participant 1 commented that he had not observed competition on his campus as a result of his campus administration being open to each of the bodies in relation to their campus roles. He noted that “I think [our campus] administration has been reasonable, from what I’ve been familiar with they’ve been receptive to both...Strong commitment to collegiality, they respect the senate [role], [and for issues of] legality, they go with CFA, so I think that’s...there’s no...I don’t see a problem with that.” Participant 3, a former union officer, had a different view from his campus noting that “I think that the union and some faculty perceive the Academic Senate as maybe having the ear of administrators, because the administrators whose ears they are trying to get are a part of the academic senate ...So in a round-a-bout way I was trying to say there is this perception that maybe some of the policies adopted on the Academic Senate may have been strongly influenced by the
administrative wing. So the union might think well we need to get our message across too, because what comes out of the Academic Senate may not be truly representative of faculty's views or the direction the faculty would want to go.”

Offering yet another perspective in response to this question, Participant 5 shared his views about the existence of competition saying “I don’t think so. There might be. I can’t say definitively. I think not, [but] only because the current Academic Senate leadership is so effective, that they have such good relationships with the administration, that they work collaboratively, and I don’t think that the union is in a position to interfere with that. So the union I suspect would feel yes, there’s some competition there, perhaps their influence on administrators is lessened because the influence of the Academic Senate is so high.”

Participant 8, a participant who has experience in the campus and statewide senate, viewed the competition between the union and the senate has one that went beyond senate matters. He observed that “particularly in the “Coalition for the CSU,” I have seen the union attempt to usurp this position and the union has attempted to speak for the faculty…and they can in many ways because they do have financial backing. They have a huge amount…The “unfair share” bill for instance, which I vigorously opposed…gives them tremendous financial muscle and they’re able to do things statewide in publicity and things which the senate can never do… And therefore, the CSU has lobbyists in Sacramento; so does the CFA. And the senate is voiceless. The faculty can either work through the union if they wish or they can try to influence the CSU, good luck. I have been involved in that. I’ve flown up to Sacramento regularly for the statewide senate. We now don’t have enough of a budget to do that and so therefore
the faculty voice through the senate is being diminished and the faculty voice through the union is being augmented.”

Participant 9 offered a contrasting view to others proffered, suggesting that it was the influence of the union that was diminished as a result of this competition. He argued that “I do think that actually for me it works the opposite. I think it's more the academic senate undermines and/or impacts...I shouldn’t say that...I think it's the academic senate that influences more the ability of the union to be effective. Again, when administration can say we have faculty on our side, which is the senate, presumably, people presume [the] academic senate is a faculty [body], and it's not...It's faculty dominated on votes, but again, you have chairs, you have deans. I think administrations have 10-12 votes as a block, something like that. I can't remember the count. But when you add chairs to it, then you're talking 17-20. That's almost 50 %. And formally, I think, we don't see chairs as administrators, right? They’re not administrators but they serve at the pleasure of the dean. And if you don't want to get your dean upset, and you're looking for resources for your department you're not going to be challenging a narrative.”

He continued, “So, yes, I do think there's a competition, and I think it's one that is easily played when there isn't a relationship between the union and the academic senate, especially the academic senate executive committee. So, really here we're talking about the executive committees of both. Because the rank and file faculty, frankly, don’t pay a lot of attention to the workings of the senate, and the rank and file, for the most part, don’t pay a lot of attention to the workings of the union. So, I think upper administrations know that they have to work with the executive committees. They're the ones that will frame the issue for the [senate] body. They're the ones, if you get them on board; you have less
likelihood of resistance. So, when those two bodies (union and academic senate) aren’t engaged with each other in their relationship, then it's very enticing for [administration] to say we've consulted with faculty, and when they say that they're not talking about [the union], they're talking about the senate. And I think that's where, as a result, the faculty become divided on really key fundamental issues.”

Interestingly, Participant 9’s point about the importance of a relationship between the union and the senate, particularly the leadership of each, was validated by another participant who served as an officer of the union. Participant 7 suggested that there was no competition on her campus because the senate and the union leadership worked closely with each other, noting that “[there is no competition.] Not to my knowledge. Because I don't think that the senate…particularly [not with] the senate steering committee of the senate, [because a representative to the senate steering committee] actually comes to the union meetings, there's a member representative from the senate executive committee. There’s a representative from the statewide senate that comes to our union meetings. So there is a time and place for conversations and we discuss things and there are times when one person will say, well, we're doing this, you're doing this we may have a disagreement, but here's the information that's going forward.”

Additional findings

Blurred Lines and Clarity of Roles

All participants emphasized the importance of clarity with regard to the roles of the union and the senate to some degree. Participant 3 addressed the importance of clarity and the biggest challenge to achieving it, saying “So [clarity] is something that I subscribe to, that there should be clear rules and that one [body] does not over step the
other... but, that said, I think the biggest challenge would be identifying those roles...
Because I could just see the union saying, ‘Well, this should be a union role it should not be a senate role’ and determining what is union role and what is a senate role...I think that's where I see a problem in implementing that...And I think that one of the reasons for that is that I think the union sees itself as being an organization that should intervene in any area where they think that some decisions might be to the detriment of faculty.”

Participant 13 similarly observed how the tensions over purview between the senate and the union resulted in a mutual “unease” with each other and that this was detrimental to both parties, noting that “I think it’s a really interesting dynamic. I think union and collective bargaining has a critically important role to play in shared governance and initially...I think one of the barriers to enhancing the effectiveness of both groups, of a senate and a union, is an unease [between them] about the roles of each.”

Participant 5 talked about the challenges in achieving clarity as a product of drawing a deliberately blurred demarcation of purview. “I do think it’s important that there be sort of a clear division of labor. I don’t think that those lines are particularly clear here. I think given the way that the contract is negotiated throughout the entirety of the Cal State System, the union overlaps with every conceivable aspect of governance that touches a faculty member’s workload, so I don’t see how you get disentangled from something where the division of labor is very intentionally blurred. I think that’s a real problem of our system...the fact that there’s an overlap, I’d say 99 % overlap, that one does what the other one does and vice versa, their hands are in each other’s business [and


it] is very dysfunctional, so we have a lot to learn, but you’d have to leave a
dysfunctional system and look outside to a very functional one.”

Up to this point, the participants comments highlighted above have presented the challenges related to getting the union and the senate to agree on their respective roles in shared governance. Interestingly, however, this challenge seemingly ran deeper because even the participant’s personal views on the role the union should play in governance were vastly different, surprisingly, even among union supporters. For example, Participant 3, a supporter and former officer of the union, commented “I don't think that the union should be actively involved in what's going on [in the senate]…They could have ideas that they might come up with, everyone can come up with [ideas]… it's an open situation, but I don't think, even though I am a union member, I'm not so sure that the union should have a very strong role…So I would think that yes [the union has] a right to have to make their agendas known, but I'm not so sure whether they should have a more direct role in determining outcomes of activities on the senate.”

In contrast, Participant 13, another supporter and former officer, talked about the importance of the union becoming more engaged with her campus senate saying “before there was a really clear dividing line between senate and between the union. Then when I was [an officer of the union I thought] hey it makes sense to be there. This is where the decisions are being made. This is where the discussions are happening and these are our members. So, I ran and I started to meet people. I have a reputation for being thoughtful, for doing my work, so I was able to demonstrate that I am interested not necessarily in…I’m interested in some bigger things that other people [in the senate] are interested in.”
Whereas in Participant 13’s campus the union has no formalized role in the senate, on other campuses the formality varies. Participant 12, speaking from the context of a campus where the union has a formalized role, raised the tension created by it. As an example, she noted that “traditionally the senate has always allowed only two people to have standing reports on our campus, one is the president of the university and one is the president of the faculty union... A practice that many, many people have questioned but it would be a very hard thing to change because of the signal it would give to the campus, to faculty on campus, vis-a-vis the academic senate's relationship to the faculty union. So no senator would want to be the one to cut out completely the union updates.”

Still others, like participant 7 cast the role of the union in the senate as a watchdog with a limited role except when issues arose, saying “if things are working well informally I don't think the union has a large role. It's like a watch dog almost at times.” Similarly, Participant 9 observed “I think that the union really then serves to protect the interest of the individual faculty, so that the senate itself doesn’t undermine the rights of people.”

**Views on Importance of Shared Governance on Campus**

In the interest of exploring the subject of shared governance I sought to develop an understanding of the value the participants placed on shared governance as a mechanism for institutional decision-making. The discussion with participants began with an inquiry about their view on the importance of the existence of shared governance on their campus. All participants placed a positive value on the importance of shared governance ranging from “very important” to “extremely important” to “absolutely critical.”

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Participant 7 described its importance most succinctly, indicating that for her “it is probably, on the scale of one to ten, one being most important, it's a one.” She went on to highlight this point later by referencing her own experience as a lecturer representative on the senate and said “I think when we have shared governance we have reasons to talk to people at different levels and be listened to and have access. Without shared governance...there is no reason for a lecturer to talk to the campus president or anyone else unless you've done something wrong.” Consistent with Participant 7’s view, I found varying degrees of inclusivity with regard to lecturer representation and participation in the senate among the campuses targeted for this study, including one instance where there was no lecturer representation on the senate at all.

Participant 1 also affirmed the value of shared governance but questioned whether it really existed on her campus. “I think it’s critical but does it actually happen the way it’s supposed to? I don’t think so, not in the senate and not at [our campus] as a whole.” Similarly, Participant 9 expressed the “essential” nature of shared governance but also expressed some challenges with its practice. “I think it's absolutely essential. That's what makes the workplace for me a place that I like to be in, but also quite frustrating. . . I think when you have these whole principals of academic freedom, if there isn't checks and balance and there isn't an avenue for faculty or administrators or students and staff to be able to engage with one another on policies that govern things, and that there's redress through those policies, that there's proper protocols...I think it's essential [for the campus] to sustain its vitality, its freedom, to pursue the things that we try to do.”

Participant 4 spoke about importance of shared governance not only for the faculty but also for the university. “A place like [our campus] does best when it maintains
a strong faculty voice, hopefully not in an adversarial way...and you have to hope that faculty aren't just simply trying to defend their turf or trying to say this is what I want, but that they actually...I think most faculty do have a kind of ideology that they're teachers, that the pedagogy is theirs, that the curriculum is theirs, that the classroom is theirs...And I'm not saying that there's anything that goes against that but just like without students you have no university, without faculty you have no university...And the faculty are that kind of critical link on the nexus of the educational mission. You know [administration] can say what [they] want a university to be but unless the faculty enact it, and unless they buy into it, then the university is going to flounder.”

Collegial versus Adversarial Relationships

Participant 4’s comment above introduced another significant theme that emerged from the participant’s responses and that is the notion of a collegial versus adversarial roles and relationships in the practice of shared governance. For Participant 8, the relationship between the union and the senate “should be an amicable division of labor so that those adversarial relationships are taken care of by the union and collegial relationships are taken care of by the senate.” Interestingly, the presumption that the role of the union was necessarily adversarial was a common one.

For example, Participant 12 noted that “the difference I think is that the union almost universally, and not only in the Cal State and not only during bargaining, but in general is seen as being contentious...always fighting for faculty rights at any cost. So in my broader professional experience, I would say that the adversarial relationship [is] probably structural between a faculty union and an administration, [and it] is not the
relationship I think that a functioning campus has between its [administration and its] academic senate.”

Participant 8, describing the impact of faculty unionization at a more personal level, conveyed a cultural shift in faculty and their view of the university. “Before we began the CFA we had a professional mentality, we were all partners. When CFA came in we became workers and managers and whether that is true or not, whether either of those perceptions, worker, manager or partner is correct, that’s beside the point, it did change the relationship into an ‘us’ and ‘them’ relationship.”

For Participant 9 the view that the role of the union is necessarily adversarial undermines the effectiveness of the union. “I think that the faculty unionization actually gets undermined by the academic senate because you have in a collective bargaining environment adversarial relationships by default, not in a negative sense, but just there’s two interests...And so when you have the ability of upper administration who often are the ones, including chairs who sit on the senate, who often are the ones that violate the collective bargaining agreement and/or get questioned on it, sitting side-by-side as senators with administrators, that creates a real trust that...where the union is not going to really have a lot of power as a body.”

The Most Important Elements of Effective Shared Governance

While there was substantial conceptual similarity in the responses to the question regarding the elements of an effective shared governance structure, the approach to the responses varied. Some participants emphasized the personal attributes and dispositions that were essential for senators to possess in order to be effective contributors to the
shared governance process while others underscored the organizational infrastructure and procedural qualities essential to the campus senate.

Beginning with the personal attributes and dispositions, participants spoke about key elements using words such as "respect", "trust", "civility", "collegiality", "inclusive attitude" and "informed". For Participant 1 it was "Respect. Certainly respect, certainly preparation…the ability to disagree reasonably and not hold grudges…the ability…no need to save face… the ability to put the students first, to put the university first, rather than personalities." As he revisited the importance of preparation, Participant 1 said "I think you do not do your organization service unless you prepare yourself on the issues. You read the issues, you know the issues, [and] you know what other campuses are doing." Participant 3 emphasized that "I think there has to be mutual trust as well" but added to this an observation about his campus that "I'm not quite sure that we have that on our campus but I don't know, not necessarily from my perspective, but from conversations that I have had."

Validating Participant 1’s observation about the need for preparation for the role of a senator, Participant 11 noted "[As an untenured faculty member] I didn’t have a lot of life experience, in my opinion. So for me [by electing me to the senate] I think they did me, I think they did themselves a disservice. I think that it is important that we all have a voice but that we actually get to use it in some way that is effective, like I said put me on the committees where I’m interested first of all, and where I’ll actually want to do work, and actually I’ll make things happen. [But instead it was] more like we need someone to fill this hole on this committee and it’s like well…that’s not shared governance. That’s
just you need a body and I can sit through a meeting and keep quiet and not really care because I don’t know anything about it.”

Participant 8 reiterated what others had said but also added another dimension to the notion of respect for each other by expanding it to include a respect for purview. He offered the following observation, “civility and trust. You have to be civil with one another. This is the rock on which all relationships are built, and another rock is trust. Perhaps a mutual agreement or understanding of the divisions [of purview], going back to Robert Frost about the wall, ‘good fences make good neighbors’. I think you need to understand that you don’t want to intrude in someone else’s territory and you don’t want them to intrude in yours.” On this point he recalled that when he was senate chair he and the union president on campus met regularly in order to help maintain clarity about senate and union responsibilities in areas where there was an overlap in purview.

Participant 9 added more to the conception of an effective shared governance structure. As did others, he echoed the importance of trust and preparation for the role, but he further observed the absence of a “pure” faculty voice on his campus. “I think the most important element is an informed citizenry. . . . That said, I think that important elements are matters of trust and transparency because shared governance breaks down when different elements of the shared capacity are withholding information and/or misinforming people...And it happens from multiple ends. So, there's got to be a strong trust that there is a faculty body. And that's where I do have some issues with the way we do it on our campus. There's got to be a body that reflects the faculty's sentiment at the university. We have it for students. We have it for administrators--to me they're called cabinet meetings, and dean's councils, senior management councils...so, there are those
bodies that are purely administrative. There's [also] a body that's purely student, but there isn't a pure faculty body. So, I think that element is really important, and we don't have it.” Interestingly, he noted that in the absence of a pure faculty body “the only place we have that, that represents faculty, is the union.”

Participant 9’s observation above regarding the absence of a faculty body offers the opportunity to transition from the personal attributes of senators to the organizational qualities of a campus that contribute to an effective shared governance structure. Here participants offered thoughts about key elements using words such as “transparency”, “communication”, “inclusivity”, “functional infrastructure”, and “proportional representation of constituencies”.

Transparency was a term used often by participants as an attribute that was foundationally vital to an effective shared governance structure. Interestingly, while transparency could be viewed as a personal attribute in the sense that one can behave in a very transparent manner, what emerged from the interviews was the recognition and a call for transparency beyond the individual and an emphasis on organizational transparency through the availability and open flow of information through institutional mechanisms.

Participant 4 discussed the value of organizational transparency but also some of the challenges that accompanied it. “I think that transparency is absolutely essential and I think that that’s quite often when conflict occurs, when faculty has the feeling that they're not being told things. I think that process is very important. People are often willing to accept some very difficult truths or to get very exuberant and excited about some real possibilities when they feel that they're being given the facts and the truth...I
think at the same time that it’s possible to almost create an information overload …I think that there’s a level of morale… a kind of the chipping away of morale and a potential for just overriding anxiety that makes people often become intransigent and difficult about things if they think that it is unrelenting bad news, you know? On the other hand, and there are a lot of other hands, part of the difficulty about being transparent is people are not always going to like what they hear and so it’s better to err on the side of giving as much information as possible…you don’t want to tell people things like the sky is falling when it might not be, but at the same time it’s better that people have the opportunity to be informed than to not be.”

Where Participant 4 alluded to conflict as a result of a lack of transparency, Participant 6 offered an example. While emphasizing the importance of an effective organizational process that allowed for open communication he recalled a major failing of a former campus president in this regard that resulted in substantial faculty discontent. “Communication, [promoting] the sharing of ideas…you know, [having] a communication plan in place that shares with the campus what is going on. I came when [a former president] was here. You know, the campus was more contentious then but not like some of the others were. You know, I mean the faculty and senate relationship with the president at that point in time was much more contentious. He ruled, RULED, differently. That may have just been his style and structure for the times. He certainly had ideas of where he thought the university needed to go…I think they had some kind of resolution they passed about him and his performance…Things vary depending on your leader, whether they make it contentious or whether they have respect and admiration and
recognize that the faculty has some kind of expertise that they can contribute to the
wellness of the university.”

While most participants echoed each other regarding the value of inclusivity and
broad participation in university governance and the representation of campus
constituents in the formal decision-making bodies of the university, one participant saw
practical value to limits on its overextension. Participant 5 suggested that the shared
governance process should not go so far as to ignore or override appropriate
organizational purviews (whether it be faculty or administration) and proffered an
alternative view of shared governance that he argued would better serve the faculty and
administration alike. As he put it, “I think the AAUP summary says it best. There are
certain areas of the operation of a university that are the province of the faculty.
Curriculum, the setting of degree requirements, and the peer evaluation of faculty for
reappointment, tenure and promotion ought to be the province of the faculty.” But he
went on to say, “I would argue that it is not shared governance when the faculty get to
make decisions that are properly held within the realm of administrators, and I think our
institution does that very poorly. I think shared governance is run amuck here… We have
too many committees, too many councils, too many people sitting on those committees
and councils, and too many formal policies that, in my opinion, are not the province of
the faculty. The faculty are involved in some decisions here that go beyond what faculty
do at other institutions, so having been involved with the senate at a major research
university and at a small liberal arts college, and then coming to a place like [this
campus] where faculty are involved in every single aspect of the university, I think to
their detriment... There’s such a high service burden here that they have less time to be in
their classrooms and less time to be effective scholars because they’re sitting in budget meetings. Budgeting is not the province of the faculty, that’s an administrative function, you know, how to formulate a budget, what the priorities should be, yes, there should be some input there, but the actual, you know, [budget] process here...wow, what a waste...[the budget committee], give me a break.”

Summary of Findings

This study explored faculty unionization in higher education settings, and its effects on university/college shared governance processes. In preparation for this study a literature review was conducted wherein several key themes and areas of exploration emerged. Among the themes I identified in the literature, the following were particularly relevant to this study: the evolution of faculty collective bargaining rights and its impact on faculty unionization, the lack of faculty influence in university decision-making as the impetus for faculty unionization, the effects of unionization on the traditional role, purview, and influence of faculty governance bodies, and the overall impact on institutional culture and campus decision-making in a collective bargaining environment.

Prior to the introduction of collective bargaining on university campuses matters of relevance to the faculty was the realm of the campus senate. Early observers like Garbarino (1975) speculated that unions would have an adverse impact on the governance life of universities. He predicted that the influence of faculty unions in academic matters would outweigh that of faculty senate bodies as the power of the union grew. Similarly, decades later, other higher education researchers continued to worry that the traditional role of academic senates would be doomed as unions gained a greater role through the collective bargaining process (Ponak, Thompson, and Zerbe, 1992).
While this study did not find evidence of "doom" in the traditional role of the campus academic senates of the CSU, a system with nearly thirty years of collective bargaining history, participants certainly reported a number of ways in which the formal and informal processes of shared governance were affected by the presence of the faculty union. For example, consistent with Garbarino’s earlier findings, a reoccurring theme that emerged related to the influence of the union in the shared governance process was that of the union’s ability to disproportionately influence the discourse and ultimately policy development in the senate. According to a majority of participants, this occurred through a variety of means such as influencing the election of senators, exercising influence over senate committees, and preempting debate on matters of interest to the senate through the collective bargaining process. An important note on this point is that the union’s exercising of their influence in shared governance was uneven across campuses and across issues, ranging from minimal, to balanced, to extreme. Taken on the whole, the results support the finding that CSU academic senates and the union have nonetheless managed to “coexist” (Kemerer and Baldridge, 1981) alongside each other.

Kemerer and Baldridge (1981) found that successful coexistence was associated with the fact that “senates concern themselves with academic matters while unions concentrate on economic issues” (p. 257). Here, Participant 8 captured it best noting “I think you need to understand that you don’t want to intrude in someone else’s territory and you don’t want them to intrude in yours.” Similarly, Castro (2000) also suggested that “the effects of unionization on governance have been strongest where governance processes were weak and minimal where strong faculty senates were in place” (p. 48). This view is best represented in Participant 5’s observation that “the current
Academic Senate leadership is so effective that they have such good relationships with the administration that they work collaboratively, and I don’t think that the union is in a position to interfere with that.”

Some of the literature also suggested that when shared governance fails or is threatened, faculty look to the union as a way to win greater influence and counterbalance the university administration (DeCew, 2003; Wickens, 2008; Williams and Zirkel, 1988). A majority of Participants supported this view. Participant 1 put it most succinctly saying “when you have strong administration people on the senate you need to counter balance that.” Interestingly, however, an unexpected finding was that it was also strongly conveyed by several participants that when academic senates are believed to be overly influenced by the union, support for the union’s involvement in shared governance wanes and is instead viewed as interference. Nonetheless, what is evident from several previous studies (Castro; 2000; Drummond and Reitsch, 1995; Wickens 2008) and relevant to my findings is that while the traditional issues that lead workers to unionize across all sectors of employment also play a role for faculty, a prominent factor contributing to faculty support for unionization is the desire to achieve a greater level of influence in the university decision-making processes.

Another factor that has impacted faculty interest in the union, and a factor from which the CSU has not immune, has been the growth in the use of contingent or temporary faculty (Bodah, 2000; Curtis & Jacobe, 2006; Rhoades; 1996) and a significantly reduced tenured faculty. The impact of this has created challenges for the union both in its role as faculty representative in collective bargaining and in its role in the shared governance process, leading several participants to wonder about a rhetorical
question asked by another, “Is the union representing the tenured track faculty or are they just representing the part-time faculty.”

For Moser (2000) this shift represents a threat to academic freedom and shared governance. Consistent with this point, several participants spoke about the impact of an increasingly contingent faculty on the service burden placed on a shrinking tenured faculty. For the CSU, where lecturers do not automatically play a role in governance, this in turn has fueled the debate about the role of lecturers in governance at all levels of the university, an issue that was well featured in the examples of several participants.

Garfield (2008) found that “the presence of an exclusive representative at a college in many cases adds an additional level to the decision-making process. The union itself becomes an important structure in governance...While the authority of the union is not all-encompassing its authority is often substantial” (p. 26). Garfield’s study suggests that while faculty seek unionization as a means to gain institutional influence, the union itself also insinuates, if not directly inserts, itself into the university governance structure. Here, Participant 3 highlights a reoccurring point. “I think it would be very difficult convincing the union to adopt what they may perceive to be a limited role...I think the union, if it involves faculty in any way, I think it's going to be hard to get the union to think, "That is not my domain." To complicate matters, even under positive circumstances, the challenge for both union and academic senate is that they both represent the same constituency, causing tension between them about which of the groups represents the interests and the voice of the faculty (Garfield, 2008).

Signoreli (1997) found that the impact of collective bargaining on the campus climate was one of division noting that “the collective bargaining process intensifies the
division into “us” and “them” between faculty and administration” (p. 6). Several participants agreed with this view, best illustrated by participant 8. “Before we began the CFA we had a professional mentality, we were all partners. When CFA came in we became workers and managers and whether that is true or not, whether either of those perceptions, worker, manager or partner is correct, that’s beside the point, It did change the relationship into an ‘us’ and ‘them’ relationship.”

Wickens (2008) found that “union executives are inherently more liberal and more antagonistic towards the administration than the more conservative senate members. As a result, the faculty as a whole [are] represented by a more hostile group, creating a more adversarial and less cooperative relationship with the administration” (p. 550). Similarly, a majority of participants shared Participant 10’s view that “often times, union leadership and sometimes rank and file have a default adversarial approach to these things.”

Graham and Walters (1973) contend that because the origins of collective bargaining have industrial roots, the application of this process to higher education brings with it the adversarial elements found in the carrying out of industrial unionism. Similarly, Participant 9 observed that “in a collective bargaining environment [you have] adversarial relationships by default, not in a negative sense, but just there's two interests.” Participant 4 would agree and relatedly offered the view that “I think that quite often people become union leaders, not because they’re middle of the road mainstream, but because they have a vision which is not always representative of the entire union [membership] but it’s representative of the portion that votes...And so you don’t
necessarily hear those other dissident voices because they tend to be kind of fractured or silent. So I think that that becomes problematic.”

Ponak, Thompson and Zerbe (1992) found that in many instances “faculty believed that collective bargaining had produced an overemphasis on rules and regulations while decreasing collegiality” (p. 419). Similar findings were reported by Drummond and Reitsch (1995) who found that collective bargaining redefined the governance process and therefore institutional culture by offering an “extreme form of shared governance, wherein the rules are legally rather than collegially established” (p. 57). Participant 5 described this phenomenon as “the power of quasi-litigation subverting shared governance.” Others expressed this point differently but nonetheless sharing the concern that collegial debate in the senate is at times stifled by the limitations on senatorial discretion imposed by the collective bargaining agreement.
CHAPTER 5
SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Introduction

This final chapter begins with a summary of the study, followed by an overview and discussion of the research findings. The overview and discussion of the findings are presented using the research questions as an organizational guide. Following this is section, a consideration of the study's implications for policy and practice and my recommendations for further study are provided.

Summary of the Study

The purpose of this study was to explore the effects of faculty unionization on the role of academic senates in the shared governance process and explore the question of whether or not faculty unionization results in a loss of power and influence for academic senates in the California State University system. This educational system is a complex organization of twenty-three campuses from Humboldt in Northern California to San Diego in Southern California. While each campus maintains its own blend of shared governance there is nonetheless a common thread woven throughout the system as a result of a centralized university administration through the Office of the Chancellor, a system-wide Academic Senate body, and a single faculty bargaining unit with a system-wide collective bargaining agreement.
The study began with the objective of drawing a minimum of 12 total participants from five of the twenty-three public universities in the California State University system (CSU). This study utilized a purposive sampling approach to identify potential participants. This form of sampling was useful in identifying participants based upon the pre-determined criteria developed for this research (Welman & Kruger, 1999). The intended participants were current or former academic senators with at least two academic years of service in the academic senate of their employing campus. In the end, thirteen participants were drawn from three CSU campuses located in the southern California area. These campuses are mid-size to large size campuses in the system and are representative of the CSU campuses in the southern California area.

As part of the study, participants engaged in a semi-structured interview with me. The objective was to provide the participants with an opportunity to individually reflect on the events and issues most relevant to their experiences with shared governance from their own vantage point. For this purpose, an interview protocol was developed using open-ended questions designed to explore the perceived effects of faculty unionization on shared governance. The questions were developed based on themes that emerged from the literature.

As indicated above, an open-ended interview was the central component of the study’s data collection process. The value of this tool was that it provided the forum for a less structured dialogue where the data emerged from questions designed to provoke thought and gather data in a manner where the richness of the data was interdependent not just on the initial questions but also from those questions that flowed from them as the dialogue unfolded (Mousatakas, 1994). The result was a dialogue that allowed me to
explore the effects of faculty unions on university shared governance using the essence of
the participant’s experiences as a window to the phenomenon.

Following the completion of the interviews, the transcribed interview data was
initially organized based on the themes identified from my review of the literature.
However, in addition to the predetermined themes identified from the literature, new
themes and codes also emerged from the data (Glaser, 1978). As these new concepts and
ideas emerged from the data, transcripts were reviewed and codes regularly reconsidered
and refined using the constant comparative method.

Overview and Discussion of Study Findings

Effects of faculty unionization on the informal practice of shared governance

Several Participants indicated that the union has been involved in effecting the
results of senate elections, although this in and of itself was not considered by the
participants to have an adverse impact on the shared governance process. Instead, what
the study’s findings suggest is that whether or not the union’s role in the election of
senators serves or potentially undermines shared governance is unique to the
circumstances in which they occur. Where the union’s role is perceived as one of
ensuring that the principles of shared governance are protected, senators were less
concerned with the union’s involvement. Likewise, where the union was viewed as
advancing its own interests or agenda, senators viewed their involvement as inappropriate
interference. Related to this point, participants also considered the role of the
administration in the senate when weighing the value of the union’s involvement. In
situations where administrators played a role that senators viewed as dominating or
disproportional, these senators were more inclined to support the union’s involvement as a counter balance to administration.

Beyond the union’s role in electing union-member candidates to the senate, several senators also observed the union’s involvement at the senate committee level. Participants in this study identified instances where the union encouraged union-friendly senators to serve in key senate roles and committees, recognizing that this could significantly influence university policies in a way considered favorable to the union and its members. However, much like the union’s role in elections, the findings suggest that whether or not the union’s role is considered inappropriate or having undue influence is driven by the context of the senate dynamics. Where the union’s role is perceived as one of self-interested interference or where the voice of the union is outsized in the governance process, senators were less tolerant of the union’s role. Where the union exercised this involvement judiciously and respectfully, senators were seemingly more accepting of the union’s role.

Another aspect of how the union exercised informal influence with the senate process was in its role in questioning senators about specific policies under development in the senate and of concern to the union. One of the participants described this questioning from the union as being “summoned” and recalled a number of occasions where he was asked to explain or justify policies that were being developed by committees of which he was a member. However, what was less clear was what prompted the union’s interest in these matters in the first place. Several participants observed the union’s interest as one driven by the notion that if it impacts faculty life in any way it is of interest to them. As such, the union’s interest was attributed to its sense of responsibility.
to address a broad range of faculty matters, regardless of whether they have contractual implications or not. Still, other participants reported instances where they believed the union was being used by individual faculty and pushed into involvement where the union would not ordinarily have an interest. While both observations were reported, insufficient information was gathered in this study to determine which factor predominates.

Effects of faculty unionization on the formal processes of shared governance

Participants reported a number of ways in which the formal processes of shared governance were affected by the union on their campus. A consistent theme in this regard was a view of the union as a watchdog of the process itself, the subtext being that the senate through its actions can potentially violate the rights of faculty on its way to creating policy. A similar theme of the union as protector of faculty also emerged, particularly with regard to untenured faculty and lecturers involved in the senate. Several participants in this study served in their campus senate while still early in their career and untenured. For them, this was a cause for concern as they voiced opinions in the senate. Similarly, lecturers (where permitted) also serve in the senate as faculty who are permanently contingent. These participants brought an interesting perspective to the discussion given their particular vantage point. From this perspective, the presence of the union is what gave them a sense of freedom to formally participate and disagree without fear of retaliation since recourse would be available if it happened. From this viewpoint, these senators regarded a faculty union as congruent if not essential to university shared governance.

For the reasons indicated above and more, a number of participants believed it was important to have a variety of perspectives in the senate, including the union’s
perspective. However, while acknowledging the importance of the union’s perspective, concerns were nonetheless raised about the need to keep this perspective proportional to its role. While proportionality was indeed a factor for some senators, it was also the case that several participants observed that, proportionality of perspective aside, the union’s perspective at times appeared to be muddled as a result of their effort to represent a broad constituency (tenure/tenure track faculty, coaches, librarians, lecturers), leading some senators to wonder about which part of its constituency it is trying to serve.

Among these constituencies is the temporary faculty or lecturers. Participants reported varying degrees of lecturer involvement in their respective campus academic senate including one campus where lecturers where not recognized in the senate at all. Interestingly, while no contractual provision exists in the faculty collective bargaining agreement related to lecturers and their role in the senate, this variation was nonetheless viewed by several participants as a product of how much the campus union was willing to advance this issue.

A possible insight offered to explain why the union would or would not pursue greater lecturer involvement in campus senates emerged from several observations made. Several participants described the changes in the composition of the today’s professoriate that reflected a substantial increase in the use of temporary faculty. According to several participants, these changes have applied pressure on the union from the direction of the lecturers who were demanding greater protections and rights as their ranks swelled at the same time that pressure was mounting from the tenured/tenure track who are increasingly burdened with more service obligations and less time to do research. This undoubtedly creates significant challenges for the union and the way it represents faculty
and this study’s findings underscore the need for the union to navigate its role in both shared governance and collective bargaining in a manner that carefully balances the interests of its broad constituency.

A major theme that emerged related to the formal influence of the union in the shared governance process was that of the union’s ability to influence the discourse and ultimately policy development in the senate. This study found that a factor that heavily influenced both the discourse and formal process of shared governance was the need to consider the collective bargaining agreement in the development of senate policy due to an overlap in purview. On this point, most participants acknowledged that the collective bargaining agreement influenced the debate in the senate. However, several suggested that the need to consider the contract had, at times, a much more profound effect on the process moving from influencing the debate, to “stifling” it in areas of policy where senators believed a debate on the matter was warranted. The collective bargaining agreement was considered by many as the driving force behind this view. The effect of this on the shared governance process, according to several senators, was that the senate encountered significant limitations in its ability to consider key policy areas by virtue of the fact that they have already been collectively bargained with the union.

As most participants suggested, the union contract was considered to be determinative of what the senate was or was not permitted to deliberate over as a body and as a result the contract structured the discussion and debate. Interestingly, only a few senators challenged this notion of the contract being determinative of the senate’s purview, perhaps because the collective bargaining agreement is generally considered as preemptive of senate policy when conflict between senate policy and the contract arises.
Nevertheless, some senators did share a view that it should be the senate that maintains the primary role of authoring policy on most faculty matters and that the contract should not be permitted to override policies that were developed through the shared governance process.

While the degree to which this sentiment was felt varied, many senators encountered circumstances where the contract was seen as tying the hands of the senate in its desire to address matters that have already been negotiated with the union and therefore outside their purview. These circumstances occurred when the senate was seeking to either revise existing policy or create it, only to encounter a contractual limitation or prohibition. The challenge in these circumstances, according to senators, is that the collective bargaining agreement directly or indirectly touches upon most senate policies affecting faculty life, and as a result that it was difficult for the senate to meaningfully change policy without risking a violation of the contract. Relatedly, several senators also reported circumstances when the union disagreed with senate policy and elected to exercise, or threatened to exercise, its power to file grievances, introducing an adversarial and legalistic process over a collegial one and removing the process from the hands of the senate and placing it in the hands of an external arbiter.

Relatedly, an interesting finding was the presumption among many senators that the role of the union in relation to administration was necessarily adversarial and legalistic while the senate’s role was presumptively collegial in relation to administration. These views were a byproduct of senators seeing the union’s role in collective bargaining as one that often requires adversarial positioning around particular interests in contrast with the senate that operates in a context within which cooperation and compromise is
required in order for policy to be adopted. As such, the relationship between the union and the senate “should be an amicable division of labor so that those adversarial relationships are taken care of by the union and collegial relationships are taken care of by the senate” (Participant 8). Consistent with this view, the study also found that unionization had the effect of reinforcing if not changing the campus culture by redefining relationships based on an ‘us’ and a ‘them’ mentality.

Effects of faculty unionization on the power and influence of the Academic Senate

Results of this study suggest that academic senates’ power of influence is affected in a variety of ways. Some senators reported that when senates are viewed by the campus administration, the Chancellor’s office, and the Board of Trustees, as aligned with the union, their influence is diminished. The reason being according to some participants is that when this occurs, the senate was dismissed as being overly influenced by a union agenda, if not outright being viewed, correctly or not, as an arm of the union itself.

Many participants reported occasions when the senate faced competition with or a challenge of their authority by the union, and of them, most shared a view that the union was seeking to assert influence in more and more areas that were traditionally considered to be the purview of the senate. Interestingly, however, how the union’s effort to assert a broader influence was assessed by the participants varied. On one end, this was viewed as evidence of the union’s disregard for the senate’s role and on the other it was considered as evidence of the union’s desire to address any and all matters of importance to the union and its members.

While there was no unanimity regarding the degree to which competition existed between the union and the senate for influence over campus administrators, elements
suggestive of competition are certainly present in these findings. In fact it really boiled down to a question of perspective. Most senators seemingly responded from their perspective as a senator first, even though all participants were members of the union. For example, one participant commented that they had not observed competition on their campus and attributed this to their administration being open to each of the bodies in relation to their campus roles. On the other hand, another participant holding a view shared by several others was that the Academic Senate had more influence with administrators, particularly since administrators serve on the academic senates in the CSU. Similarly, another perspective on this issue refuted a sense of competition, at least from the perspective of the senate, particularly in circumstances where the senate had cultivated and maintained a positive relationship with administration. Likewise, this same senator also observed, “I suspect [the union] would feel yes, there’s some competition there, perhaps [because] their influence on administrators is lessened because the influence of the Academic Senate is so high.”

Interestingly, while participants on the whole suggested that there was a limited amount of competition for the ear of administration, the views of several participants changed with regard to the senate’s ability to compete with the union and its staff and financial resources. These resources are a product of the “fair share” legislation. This was a law enacted with the support of the union that required all employees covered by the Higher Education Employer-Employee Relations Act to pay the union a “fair share” fee to cover the costs associated with the union’s representational duties and established a process for determining the amount chargeable to employees or “fee-payers.” The result of this is that all members of the bargaining unit, whether or not they are full members of
the union, pay a fee for representation by the union. This legislative victory allowed the union to effectively gain a much stronger presence in California’s political arena and consequently, at the bargaining table with the CSU. At the campus level this legislation also made it possible to aggressively enforce the union contract and supports the union’s efforts mobilize its members into action.

How this has manifested itself in relation to the senate is that the union has the ability to research, produce, and promote materials on a scale with which the senate cannot compete. As such, given its financial resources, the union is able to assert a louder voice and assume the public role as the faculty’s representative, both on campus and off. The effect of this, according to one participant is that “the faculty voice through the senate is being diminished and the faculty voice through the union is being augmented,” a viewed shared by several other participants in this study.

Implications and Recommendations for Policy and Practice

Perhaps what is most evident in this study’s findings is that shared governance in the CSU occurs in a context in which the union and the senate deliberately overlap in responsibility for addressing most matters of relevance to the faculty. In fact, as noted by the study’s participants, it is not uncommon to have contractual provisions in many of the same areas already covered by senate policy and vice versa. In these instances some provisions reflect a mere duplication while others build upon the other. A consequence of this is that the senate and the union alike are often unclear about which party possesses the primary, if not exclusive, purview on a matter.

An example on this point is the issue of academic freedom. The idea that faculty should enjoy academic freedom and participate in the decision-making of their
employing higher education institutions has been a generally accepted institutional norm in higher education for some time now. Prior to the existence of the union, the articulation and protection of academic freedom was regarded as a senate matter. Nonetheless, the union is currently proposing a contract provision specifically regarding academic freedom, arguing that it is a condition of employment which they consider to be in scope for bargaining. Likewise, senators might argue that issues of academic freedom are the purview of the senate and not the union. Interestingly, both could point to HEERA, the higher education statute authorizing collective bargaining, as the basis for their position. The reason being is that this statute both affirmed the right of faculty to collectively bargain on a broad range of terms and conditions of employment while simultaneously preserving the role of the senate and the shared governance process in academic and professional matters. This raises an implication for public policy as it may be worthwhile to revisit the HEERA statute in order to provide greater guidance to our public universities regarding those matters that are within scope for bargaining and those that should be addressed through the shared governance process.

Along this line, another policy implication relates to the negotiation of collective bargaining agreements that can potentially override sound public policy. One example identified in this study relates to contract language regarding faculty reappointment, tenure and promotion (RTP) policies, a matter assigned to the shared governance process and peer-review under HEERA. In this process, elected faculty committees in conjunction with university administrators, are assigned responsibility for awarding tenure and promotion. However, when disputes arise regarding the award of tenure or promotion, unions have favored the submission of these critical faculty disputes to final
and binding arbitration through the contractually driven grievance process. The objective
of the union in this instance is to overturn the recommendations and decisions of faculty
committees and university administrators. An implication for university leaders and
public policy makers is the need to remain cautious about bargaining contract language or
advancing legislative changes that provide for a veto of the collegial university RTP
processes.

What the discussion above highlights is that in the absence of legislative clarity,
senators, and union leaders have little to rely on to establish defined roles or boundaries
of purview. Not surprisingly, both parties assume responsibility for much of what affects
faculty terms and conditions of employment. In this context, the union exercises its role
through collective bargaining meanwhile the senate fills in any gaps and/or adds
substance to key provisions of collective bargaining agreement through the development
of senate policy. Interestingly, when collegial relationships exist between the parties, the
process works and boundaries are seemingly irrelevant. The result under these ideal
circumstances is a set of senate policies that mesh with the collective bargaining
agreement. At the same time, when adversarial relationships exist, the purview of one
party is regularly challenged by the other and competition ensues in an arena in which
boundaries are ambiguous if not deliberately obscured.

Given the above, it is not surprising that virtually all participants emphasized the
importance of clarity with regard to the roles of the union and the senate to some degree.
This issue for most was considered among the biggest obstacles and challenges to an
effective shared governance process. The view of a lack of clarity as an obstacle stems
from a deliberately blurred set of boundaries that make it difficult for both senators and
union leaders to recognize when they have entered into the jurisdictional purview of the other. A lack of clarity was also associated with creating otherwise avoidable tensions over purview between the senate and the union and contributing to a mutual “unease” between the parties that was ultimately detrimental to both. An implication for policy and practice is the need to promote collegial relationships in governance matters where an overlap in purview necessarily remains while simultaneously working to bring greater clarity with regard to the role and purview of the union and the senate when these distinctions are necessary and appropriate.

While a call for clarity was seemingly the order of the day, a lack of optimism in realizing the necessary clarity was also expressed by many participants. Some of the identified challenges that undermined a sense of optimism were related to the structure and process of collective bargaining itself. Here the identified challenges stemmed from the existence of a highly centralized bargaining apparatus on the part of the union and the university where campus senates are not procedurally required to be consulted. A consequence of this is a collective bargaining agreement that leaves little room for senates to meet or address campus preferences or interests that arise through local shared governance. As such, an implication for policy and practice is the need to develop a formal mechanism for the governance bodies to be consulted in order to inform and contribute to the bargaining process, while simultaneously maintaining the rights of the union as the exclusive bargaining representative.

Another challenge to achieving clarity of roles was an unwillingness of the parties to accept new limits on their role and purview that to date have remained ambiguous. This challenge was best articulated by one of the Participants who said “there should be
clear rules [so] that one does not over step the other... but, that said, I think the biggest challenge would be identifying those roles...and I think that one of the reasons for that is that I think the union sees itself as being an organization that should intervene in any area where they think that some decisions might be to the detriment of faculty.” This view underscores an important implication for the union and the senate bodies and their need to navigate their roles in a manner that is attentive to the faculty’s desire to maintain a collegial shared governance process alongside a collective bargaining one.

Recommendations for Further Study

There are several implications for future research based on these findings. First, further research is necessary to explore how faculty unions have evolved over the last few decades and how this evolution affects their organizational mission and identities. Furthermore, more needs to be learned about how faculty unionization has reconfigured the power and relational dynamics between administration, faculty senates, and faculty unions. One area where further study is warranted relates to the changing composition of faculty and how this affects university governance and the role of lecturers in the governance process. Relatedly, the study raised many more questions about how unions can best represent an ever changing bargaining unit through collective bargaining and in shared governance.

Another area full of possibilities for research stems from the dual roles described by several participants where they served as senator and union member/leader. All participants, by virtue of their senatorial position conveyed a sense of obligation to the welfare of the entire campus community. Likewise, many of these senators, at least in this study, were also members if not activists in the union and conveyed varying degrees
of loyalty to support a union position. This creates a duality of interest that requires further study. More needs to be learned about this duality, how a balance is achieved, and what happens when the balance shifts.

Lastly, given the impact that faculty unionization has on the shared governance process, more research is needed to help policy makers better understand how to achieve an appropriate balance between the statutory rights of faculty to engage in collective bargaining and the statutory role that faculty senates play in university governance and decision-making. This research is important so that university leaders and public policy makers can take guided action toward the preservation of the important role faculty play in the academic life of our nation’s institutions of higher learning.

**Conclusion**

This study’s findings suggest that after decades of collective bargaining experience in the CSU, faculty unionization has had a palpable impact on the shared governance process. Nonetheless, whether or not this impact should be regarded as one that is adverse to the shared governance process in the CSU remains unclear. Important questions remain regarding faculty unionization and its effects on the university tradition of shared governance. As was evident from the results of this study, the issue is a complex one and the circumstances and the actors involved from one campus to the other seemingly have as much to do with the practice of shared governance as does the presence of the union itself. It is also the case the CSU as a system has evolved over time and has become itself a much more complex organization since the days that the union was established. While much can be learned from this study and previous studies, the current context of a more highly unionized and more complex university environment
calls for a greater understanding of the future of faculty senates and shared governance on unionized campuses.

Today, many faculty unions, including the faculty union in the CSU, find themselves in a more politicized campus environment where union members are looking for constant improvement from one contract to the next. This dynamic creates pressure on the union to expand its power and influence in the university. As was suggested by several participants in this study, a natural place for the union to expand its influence is in the purview of the academic senate, particularly since this purview is already overlapping if not shared. Nowhere is this more evident than in those areas of senate policy where collective bargaining provisions already exist. In these instances, coupled with the union’s desire to expand their influence, it seems logical if not inevitable that unions will endeavor to move towards achieving a greater scope of what are considered mandatory subjects of bargaining.

Our nation’s universities now have over four decades of experience with faculty unions. Still much more needs to be learned about how faculty unionization and collective bargaining changes the power dynamics among the actors (administration, faculty senate, faculty union) present in the unionized university so that our university leaders and public policy-makers are equipped to act in order to maintain the relevancy of shared governance and its significance to institutional decision-making in a unionized university.
Appendix A
Consent Form

Study regarding the effects of faculty unionization on university shared governance in the California State University

Consent to Participate in Research
You are asked to participate in a research study conducted by Rene Castro, an Ed.D Candidate in the Education Leadership Doctoral Program at California State University, Long Beach. The results of this study will contribute to a doctoral dissertation. You were identified as a possible participant in this study because you have served for two or more years in the academic senate at your current campus.

Purpose of the Study
The purpose of this study is to explore the effects of faculty unionization on university shared governance at five campuses in the California State University. Specifically, this study will focus on the effects of faculty unionization on the role of academic senates in the shared governance process and explores the question of whether or not faculty unionization results in a loss of power, influence, or purview for the campus academic senate.

Procedures
If you volunteer to participate in this study, you agree to participate in a one-on-one interview with the researcher at a location of your choosing and at a mutually agreeable time. Participants will be asked to respond to twenty semi-structured interview questions. The interview will last approximately 1 to 1 1/2 hours. Each interview will be recorded with digital audio equipment and transcribed after the interview. You have the option to not be recorded. If you decide not to be recorded, the researcher will take handwritten notes during the interview. You will be provided with a copy of the interview transcript and given the opportunity to ensure its accuracy and provide additional thoughts and reflections on the interview. All recordings and transcripts of recordings will be kept in a locked file cabinet at the home of the researcher for three years, after which they will be destroyed.

Potential Risks and Discomforts
The potential risks to you as a participant are minimal.

A potential risk to participants is that the interview process may evoke some unsettling emotional responses. Participants may feel discomfort discussing personal views and sharing their experiences.

To protect against or minimize this risk to participants, the researcher will remind participants that they can choose not to answer interview questions which may minimize potential anxiety and discomfort. Participants will also be advised that if for any reason the interview causes some form of distress to them, they may wish to contact the psychological counseling center on their campus.
Another potential risk to the participant is the potential breach of confidentiality. A breach in confidentiality may produce personal anxiety for the participant.

To protect against or minimize the risk to participants, participant’s names and identities will not be recorded in the data transcripts. Pseudonyms will be used for each participant, and the one document linking names with pseudonyms will only be seen by the researcher and kept in a password protected computer. Also, participants will be interviewed in a location of their choosing where they believe their confidentiality can be maintained. Participant will also be advised that if for any reason concerns regarding a potential or actual breach in confidentiality causes some form of distress to them, they may wish to contact the psychological counseling center on their campus.

**Potential Benefits to Subjects and/or to Society**
The participants may benefit from the participation in a thought provoking interview on the subject of this research. As academics, they may also gain some professional and academic insights that relate to their professional lives. Participants may also draw satisfaction from the knowledge that their participation will help better understand the phenomenon being researched. The academic community may benefit from the study’s contribution to the literature on shared governance and faculty unionization. University leaders and faculty may benefit by having new insights that relate to their professional practices and policy development. Lastly, the findings may be disseminated through presentations and published articles, increasing the awareness of this important subject matter.

**Payment for Participation**
You will receive a $25.00 VISA Gift Card the after completion of the interview.

**Confidentiality**
Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law. All recordings and transcripts will be stored on a password protected storage device. All records related to this study will be kept in a locked file cabinet at the home of the researcher for three years, after which they will be destroyed.

**Participation and Withdrawal**
Your participation in this study is completely voluntary. Please be aware that you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study. The researcher may withdraw you from the study if circumstances arise that, in the opinion of the researcher, warrant doing so.
Identification of Investigators
If you have any questions or concerns about the research, please feel free to contact Rene Castro by email at rcastro@csulb.edu or by cell phone at (714) 732-8169. You may also contact the researcher’s Dissertation Chair, Dr. William Vega, at 562 985-2447.

Rights of Research Subjects
You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research subject, contact the Office of University Research, CSU Long Beach, 1250 Bellflower Blvd., Long Beach, CA 90840; Telephone: (562) 985-5314 or email to research@csulb.edu.

Signature of Research Participant
I understand the procedures and conditions of my participation described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Name of Participant:

Signature of Participant:

Date:

Audio Recording
I agree to have the interview audio-recorded.

Signature of Participant:

Date:

STATEMENT and SIGNATURE OF INVESTIGATOR
In my judgment the subject is voluntarily and knowingly giving informed consent and possesses the legal capacity to give informed consent to participate in this research study.

Signature of Investigator:

Date:
Appendix B
Interview Protocol

SHARED GOVERNANCE QUESTIONARE

I am undertaking a study to explore the effects of faculty unionization on Academic Senates and the university shared governance process. For purposes of my study I am using AAUP’s description of shared governance.

According to AAUP, shared governance refers to:

governance of higher education institutions in which responsibility is shared by faculty, administrators, and trustees. The AAUP emphasizes the importance of faculty involvement in personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies. Faculty should have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process” (from AAUP's Statement on Government of Colleges and Universities).

1. Can you tell me a little bit about yourself and your academic background?

2. What is your current position on campus?

3. Can you tell me about your experience and involvement in Academic Senates here or elsewhere?

4. What position(s) do you hold or have you held in the Academic Senate on your campus?

5. Have you ever been a member of the faculty union?
   a. If not why not?
   b. If yes, tell me why you joined and what role if any did you played in the union?

6. How well informed are you about the activities and roles of your Campus Senate?

7. How well informed are you about the activities and roles of your local Union Chapter (CFA)?
8. In your view, how important is it that shared governance exists on your campus?

9. What do you consider the most important elements in an effective shared governance structure?

10. In what ways do you think union representation of faculty in collective bargaining affects shared governance?

11. In your view, what should the relationship of the union be to the academic senate and the shared governance process?

12. In your view, how does faculty unionization affect the informal practice of shared governance on the campus? (For example how meetings are run, reporting etc. membership of the senate etc?)

13. How does faculty unionization affect the formal processes employed the shared governance process? (For example voting procedures, committee representation, formal reporting, defining membership of the senate etc?)
   a. Does the union have a formal role in the Academic Senate?

14. Do questions ever arise regarding policy decisions of the academic senate and the need to consider collective bargaining implications in the discussion and decisions?
   a. Can you give me an example?
   b. How was the issue resolved?

15. How does faculty unionization affect the power and influence of faculty governance bodies?
   a. Is there competition for the ear of the administration between the AS and the union?
   b. Is there competition between the AS and the union about who represents the interests of the faculty?

16. How does faculty unionization affect the organizational purview of faculty governance bodies?
   a. Are there instances you are aware of where there is both Academic Senate policy and contract language on the same subject?
   b. When this occurs how is it resolved?
17. Can you recall any instances where the faculty union and the academic senate were at odds regarding which body had jurisdiction on a particular matter? If so can you describe the situation?
   a. What was the final outcome?

18. How important is it that clarity exists about the role of the union and the Academic Senate in campus matters?
   a. What challenges exists to achieving this clarity (separating the collective bargaining issues from the academic policy issues)

19. Based on your experiences, are there lessons (good or bad examples) that the campus could learn from the way shared governance works on your campus? Please provide specific examples.

20. Are there any additional thoughts or views or information that you believe is relevant to faculty unions and their impact on the university shared governance process.

Thank you for very much for your time and participation in this research study.
REFERENCES


National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980).


