

The image features a solid blue background. In the center, two stylized human figures are shown from the waist up, holding hands. The figure on the left is white, and the figure on the right is black. They are positioned as if standing on the edges of two dark brown, rectangular blocks that form a gap between them. The figures' arms are extended towards each other, and their hands are clasped together in the middle of the gap. The overall composition is simple and symbolic, representing a bridge or connection between two separate entities.

Cultivating Labor Peace With Adjunct Faculty

By Carmen Plaza de Jennings and
Jayne Benz Chipman

The wave of media attention highlighting the working conditions of adjunct professors in academia across the nation is difficult to miss these days. Even Congress has become involved. The House Education and Workforce Committee (HEWC) recently issued what has been heralded as Congress' first report on the state of adjuncts in America. The HEWC's report, *The Just-In-Time Professor*, concluded that "[i]n short, adjuncts and other contingent faculty likely make up the most highly educated and experienced workers on food stamps and other public assistance in the country."

With news like this, it is easy to think that the problems are insurmountable, unionization of adjunct faculty is inevitable, and labor peace is not attainable. But think again. There are a number of actions that can be taken — not all of them costly or big — to cultivate labor peace with adjuncts.

Substandard working conditions have historically provided fertile ground for labor unions to organize workers, and adjuncts are proving to be no exception. HR professionals and other college and university administrators who work with non-unionized faculty are faced with a seemingly impossible dilemma in the academic world where freedom of thought and action are accepted and valued — how to maintain a union-free workplace without being perceived in the public eye as anti-union. Indeed, one university earned special mention in the HEWC's report for hiring a reputedly "anti-union" law firm to represent its interests to fight the organizing campaign mounted by its 1,400 part-time, non-tenured faculty. Likewise, the HEWC's report highlighted another institution's refusal to recognize and bargain with its adjunct union.

Successfully navigating the fine line between union-free and anti-union can be done, but it requires forethought, enlightenment, diplomacy and common sense on the part of the administration.

The Growth of Adjunct Union Organizing

The challenges faced by non-tenured and non-tenure-track faculty (more commonly referred to as adjuncts, part-timers or contingent faculty) are not new in U.S. academia. Lower pay than tenured or tenure-track colleagues, lack of benefits, unpredictable work schedules with no real job security or upward mobility, little or no voice in shared governance, and an overall perceived or actual lack of respect have long been the hallmarks of adjuncts' issues. These challenges are not unique to any particular size or type of college or university. Institutions large and small,

public and private, two-year and four-year and beyond, all have increasingly come to rely upon a contingent faculty workforce. This growth in academia's reliance on a temporary, flexible, on-call faculty workforce with unpredictable schedules — a "just-in-time" workforce — mirrors the current trend in the general U.S. labor market.

What is new, however, is the widespread public attention that adjunct labor issues — both fact and fiction — have garnered in recent years through media (and now Congress). Editorials, commentary and blogs have enabled adjuncts and their advocates to develop a unified voice across institutions, regions and the country. It has also placed a collective "human" face on adjunct struggles that has aided union organizers. This increased attention has spurred increased adjunct union organization.

The increase in adjunct faculty organizing efforts has also been fueled by simple mathematics — the significant increase in the adjunct ranks while the tenure track continues to shrink. Adjuncts have long been part of existing collective bargaining units comprised primarily of full-time faculty at some institutions. However, that landscape is changing. Full-time faculty who are unionized tend to be represented in large part by one of two unions well-known in academia — the National Education Association or the American Federation of Teachers. Additionally, some chapters of the influential American Association of University Professors engage in collective bargaining on behalf of professors.

These established faculty representatives have been criticized by some adjunct advocates of bending to the interests of full-time professors at the expense of a growing majority of part-timers. Consequently, some adjuncts are now gravitating toward other labor unions that have been more closely associated with blue collar and public service workers than college professors. Adjuncts are also forming bargaining units comprised solely of members of their part-time ranks. Most prominently, the Service Employees International Union's "Adjunct Action" regional campaign has successfully targeted adjuncts at private colleges and universities in different metropolitan areas such as Boston, the Washington, D.C.-metro area and Los Angeles.

The Shift Toward a "Just-In-Time" Professorate

The HEWC report, relying on a variety of different research studies and the responses from its own eForum conducted in November 2013, highlights the dramatic changes to the faculty workforce across all higher education institutions during the past several decades.

Acknowledging that the eForum — wherein contingent faculty across the country were invited to comment via e-mail on their working conditions — was neither scientific nor comprehensive, the HEWC noted that the responses were nevertheless consistent with news reports and other research on the topic of adjunct working conditions. The report presents the following picture:

- The number of part-time faculty increased more than 300 percent between 1975 and 2011;
- Adjuncts made up 20 percent of all higher education faculty in 1970, and comprise half of higher education faculty today;
- The trends in adjunct faculty pay, benefits and working conditions are consistent across all institution types;
- Median adjunct pay for a three-credit course is \$2,700;
- Adjuncts would need to teach nearly 17 courses per year to earn wages comparable to a full-time faculty member (researchers consider a full load to be eight courses per academic year);
- Only 22.6 percent of adjunct faculty have access to benefits through their academic employer; and
- Unionized adjuncts earn 25 percent more per course than non-unionized adjuncts.

Foreshadowing potential government intervention at some future date, the HEWC noted that “[t]he link between student outcomes and contingent faculty working conditions — not just the adjuncts’ schedules and compensation but the respect and professional support they receive from their schools — deserves serious scrutiny from the [HEWC] and other policymakers around the country, as well as from institutions of higher education themselves.”

Cultivating Adjunct Labor Peace

The best time to secure labor peace is before your employees seek representation by a labor organization. After an institution is on notice that union organizing activity is underway, the institution has less latitude legally to make the same changes that may have prevented the

organizing activity in the first place. Changes in pay, benefits and other working conditions permissible before an organizing campaign begins — even the simplest and least costly — may become unfair labor practices if implemented during the course of a unionization effort and should not be implemented without consultation with legal counsel.

By getting to know and understand the precise nature of adjunct issues beyond the general complaints regarding compensation, benefits and job security, you’ll be able to take steps to address the issues that could push employees to organize.

Institutions that have the forethought and insight to confront and address the often tough issues of their “just-in-time” faculty in advance of a union organizing campaign, to the extent possible within an institution’s budget and academic culture, stand the best chance of maintaining adjunct labor peace. Taking the following actions will place your institution in the best position for achieving this goal.

Get to Know Your Institution’s Adjunct Faculty

You know you have them, but do you really know who they are? All too frequently, institutions do not truly focus on adjuncts beyond the sheer numbers. Institutions should have a broader understanding of their adjunct workforce and the role it plays within its academic departments. This means developing an understanding of the individuals comprising this contingent of your faculty. While each institution may do this differently, the types of information to gather at a minimum include name, date of hire, classes taught for the institution (including years, credit hours and compensation), annual earnings and benefits, and employee grievances and the topics of those grievances.

If possible, the extent to which adjuncts teach at other colleges or universities should also be ascertained as part of this review. This type of information can provide valuable insight into issues of comparability and adjuncts’ expectations at your institution. Moreover, it will enable your institution to critique how it is utilizing adjuncts. Beyond the initial review, a process for updating the data on a quarterly or semester basis should be part of the overall plan.

Take the Pulse of Your Adjunct Faculty

In addition to gathering facts about the individuals comprising your adjunct faculty workforce, it is critical to periodically take the pulse of this faculty contingent. This means proactively gathering information from key administrators and managers such as deans and department chairs regarding current workplace issues, employee grievances, operational needs and efficiencies, and potential political landmines that all too often are not evident from the more passive review of paper and data alone. It also means obtaining input from the adjuncts themselves. Only by truly getting to know and understand the precise nature of the issues beyond the general complaints regarding compensation, benefits and job security, will you be able to take steps to address issues that, if left unaddressed, could push employees to organize.

You may find out through this process that certain anticipated problem issues are not as problematic for the majority of adjuncts at your institution as you initially think. More significantly, you will often find other important problem areas that are not on your radar, or have been misjudged or overlooked. Even if your institution is not able or willing to provide all the remedies adjunct employees are seeking, having an ability to credibly and constructively discuss problem areas with a solid command of the facts will help diminish a perception that there is a lack of interest and respect for adjunct issues and concerns.

Assess/Update Existing Policies and Practices

One thing employees typically seek through union representation is improvement in workplace policies and practices. The time to review (and revise) your adjunct policies and practices — written or otherwise — is in

for the creation and/or revision of adjunct policies should be gained by your efforts to take the pulse of the adjunct workforce. Additionally, obtaining input in the process directly from your institution's adjunct faculty should assist in fostering a sense of respect and inclusion that adjunct faculty frequently report is lacking in their institution.

Examples of some of the types of policies that are typically of keen interest to adjuncts and their advocates that should be included in your review are listed below. To the extent that your institution does not presently have written policies for adjuncts on these topics, consideration should be given to the impact that having such policies would have on fostering labor peace:

- Standards for adjunct contract appointment, renewal, evaluation, reemployment preference and dismissal;
- The adjunct course assignment process, including scheduling, timing and manner of notification of assignments, effect of class cancellation/low course enrollment, and full-time faculty overload issues;
- Non-classroom expectations for adjuncts such as office hours, student advising and supervision, research, department meeting attendance/participation requirements, and the role of part-time faculty in shared governance and committees;
- Compensation and benefits (if any);
- Adjunct access to office space, computers/technology and administrative support; and
- Professional development support and opportunities.

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advance of an organizing campaign. In cases where policies are not in writing, serious consideration should be given to doing so. Well-written policies have the benefit of providing clear guidance and stability on key issues in the employer-employee relationship, something that is frequently a goal of collective bargaining. Key insight

Gain an Outside Perspective
Your campus and adjuncts do not exist in a vacuum. Up-to-date comparability data is a key component to achieving labor peace. Therefore, it is essential to ascertain how your college or university compares to similar institutions in terms of adjunct compensation, benefits, contract renewal, professional support, participation in shared governance, and other issues of importance to this segment of your workforce. Data (such as CUPA-HR's Per-Course Faculty Salary Survey), policies, and even collective bargaining agreements from comparable institutions are a good place

to find the information that can provide this important perspective. Although the needs and cultures of individual colleges and universities will differ, collective bargaining agreements and policies at other institutions can prove to be invaluable models for consideration of what may and may not work for your faculty and institution. Beyond the review of documentation, you should also speak with your colleagues at the comparable institutions to discuss their experiences, issues and resolutions.

Learn From Labor Organizations

A tremendous amount of valuable information about adjunct issues can be gleaned from labor organizations themselves, by reviewing labor organization websites and conducting a simple Internet search.

Align Adjunct Interests With Management

Under federal labor law applicable to private colleges and universities, faculty members who exercise absolute authority over academic matters have been precluded from joining a union. Faculty members who formulate and effectuate management policies by expressing and making operative decisions of their employer are considered members of management under what is known as the *Yeshiva* exemption.

While most adjunct faculty will not typically qualify as management under *Yeshiva*, taking steps to more fully align adjuncts with management by increasing integration into the institution's shared governance will increase their sense of investment in the institution. The more fully integrated with the institution and management adjunct

faculty become, the less likely it may be that they will seek union representation. Including adjunct faculty in shared governance where appropriate, and other academic and policy committees, is one way to achieve better integration and buy-in of adjunct faculty to the mission of your institution.

Be Proactive

Ultimately, employees who feel that they are respected by management, treated fairly, and adequately compensated and valued are less likely to think that they need to organize to bring about desired change. Institutions that take the time upfront to understand this important human dynamic, do careful review and planning and develop a conscientious approach to making the types of short-term and long-term changes that are meaningful to their "just-in-time" professors will increase their chances of labor peace without union intervention. 

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Case Study

Human resources at Villanova University has partnered with academic affairs to improve the hiring process for faculty, which includes providing support to adjuncts. Learn more about the partnership and HR's role at blog.cupahr.org/faculty-talent-management.