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A Firewall but Not a Conflict: Collective Bargaining and Collective Governing

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By Carol Weisfeld

I teach at the University of Detroit Mercy, which is in the midst of developing a structure for shared governance. UDM is the product of a merger accomplished fifteen years ago between Mercy College of Detroit (which had a faculty senate system for most of its history) and the University of Detroit (which had a unionized faculty from 1976 onwards). At the time of the merger, the combined faculties voted to remain with the NEA affiliated union. The question of whether or not there would also be a governance system such as a faculty senate came up repeatedly, partly under pressure from our North Central accreditation body. Eventually a broad consensus was reached that UDM also needed a unifying governance system. At that time all key parties (including the board of trustees, the administration, the faculty union, and the non unionized dental and law school faculties) committed themselves to a process whereby a governance structure would be formulated, proposed, and voted upon. That is the task before us, and that is the task force I sit on.

One of the topics discussed at nearly every meeting of our task force is the relationship between the faculty union and structures related to governance. People who are genuinely concerned for the well-being of all constituencies desire governance which will function smoothly and efficiently. They raise questions such as the following: Whose job is it to decide this matter of X — the union's or a faculty committee's? What would the union do if this were to happen? Could the senate respond if the union took this other action? Can the same people serve on the boards of both the union and the faculty assembly? After considering these potential problems with my colleagues, it strikes me that a few general observations might be helpful.

First, there should be some sort of "firewall" between the union and the faculty senate or assembly. This is a legal and conceptual firewall. The union is bound by federal labor law; the senate is bound by an academic tradition of collegiality and trust. The union is responsible for representing the faculty's interests regarding salary, benefits, and working conditions; the senate is responsible for formulating and overseeing policy regarding faculty status, curricular matters, academic standards, and other matters that have an impact on the educational process. (The broader governance system might include the faculty as one of the groups overseeing campus life, technology, longterm planning, etc.)

Second, recognizing these functional differences makes it clear that there ought not to be a conflict between these two bodies (union and senate) when they operate in the same institutional environment. They are complementary. Conflicts should be rare and fairly smoothly resolved by two bodies accustomed to operating within their guiding principles (contract or constitution).

Third, a functional separation does not imply that the same faculty member cannot be active in both

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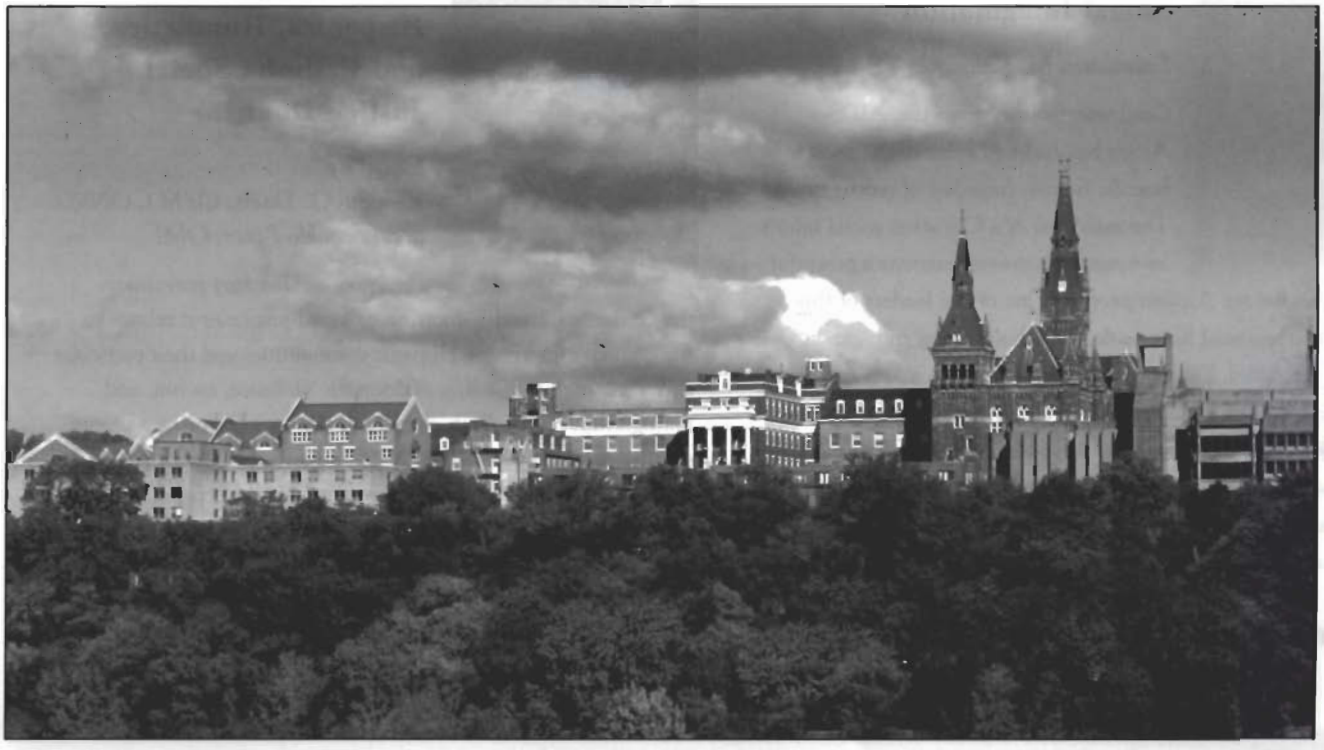
groups. In fact, it is likely that the same people who are active in one setting will also be well informed and motivated enough to participate in the other. A certain amount of overlap may in fact be healthy for the institution. (Although, speaking as a former union president, I would assert that only a lunatic would want to be in a leadership role in both!)

Fourth, a faculty union can probably back up a Faculty senate or assembly, should the usual pact of academic trust break down. If the union contract, for example, states that there shall be a governance system and that system is unilaterally dissolved by an authoritarian administration, the union could then file a grievance or pursue its other lawful options. Thus the two groups, while fulfilling different functions and using different methods, can both represent the faculty's interests under the most dire conditions.

Lastly, some reflection on how this all fits into our identity as a Catholic university seems in order. Catholics who are active in labor management relations regard Pope Leo XIII's encyclical "Rerum Novarum: the Rights and Duties of Capital and Labor" (1891) as a modern breakthrough in Catholic social teaching. In that document, Pope Leo wrote, "We may lay it down as a general and lasting law that working men's associations should be so organized and governed as to furnish the best and most suitable means for attaining what is aimed at, that is to say, for helping each individual member to better his condition to the utmost in body, soul, and property." Pope Leo urged further that such associations should move forward "with unity of purpose and harmony of action" in a way that would be sensitive to national character and the nature of the work. Certainly the Jesuit and Mercy traditions, deeply rooted in lifting people from poverty, speak to us with the same voice. One could hear in Pope Leo's words a justification for both collective bargaining, to address the material needs of teachers and others working at our universities and for collective governing, to advance our education purpose in a unified way.

Are we sure that we will be successful with both a union and a governance system? We are surrounded by universities here in Michigan where this arrangement works very well — Northern, Eastern and Western Michigan, Oakland and Wayne State Universities, to name a few, all have had a union and a governance system for many years, operating under the principles outlined in the AAUP's Policy Documents and Reports. This feels right to us, and in fact our faculty and administration will vote on a proposed structure in early May of 2005. By the time you read this piece, the next chapter of our story will have begun.



A wide shot from the banks of the Potomac River displays Georgetown University's presence on the Washington DC skyline.