How Contingent Faculty Organizing Can Succeed in Higher Education

written by Steve Early | July 17, 2021

Despite recent organizing gains among some contingent faculty members, the adjunctification of higher education has left hundreds of thousands of college and university teachers with low pay, spotty benefit coverage, and little job security. As former adjuncts Joe Berry and Helena Worthen report in their new book, *Power Despite Precarity: Strategies for the Contingent Movement in Higher Education* (Pluto Press, 2021), an estimated 70 to 80 percent of all contingent faculty in the U.S. still lack union representation.

The rapid, pandemic related expansion of on-line education threatens to further erode employment conditions for the two-thirds to three-fourths of all faculty members who are contingent. (For an analysis of OLE and its impact, see Robert Ovetz's "Conscious Linkage: The Proletarianization of Academic Labor in the Algorithmic University," *New Politics*, Summer, 2021) In the next few years, Berry and Worthen predict, "the institutions of higher education will be more globalized, more on-line" and "and most will try to eliminate tenure and universalize contingency."

To help the contingent faculty movement prepare for its next big battles, the authors have produced a timely history of union activity among "second tier faculty excluded from the tenure system." It updates Berry's previous survey of the field in *Reclaiming the Ivory Tower* (Monthly Review Press, 2005) and draws heavily on their own experience in California and other states. Their detailed case study of membership mobilization, contract bargaining, and political action by the California Faculty Association (CFA) illustrates many of the continuing challenges facing contingent faculty trying to form their own bargaining units or influence the direction of unions that include tenure line teaching staff with sometimes divergent interests.

As described in *Power Despite Precarity*, four decades of union building, within the CFA, have produced "the best contingent faculty contract in the U.S," which now covers seventy percent of a faculty of 28,000 on 23 campuses. Adjuncts–or "lecturers" as they're called in the California State University (CSU) system– "have taken leading roles throughout the union, which has maintained a high level of internal organization and membership despite the loss of agency fee funding," due to the Supreme Court's *Janus* decision. An internal union body known as the Lecturer's Council of the CFA continues to be an important locus of struggle "both vis-à-vis the employer and within the union."

In the 1970s, non-tenure track faculty, hired on a per class, per semester basis, had little voice in CSU workplaces. Many felt constrained from speaking their minds in front of tenure-line faculty, particularly if the department heads supervising them were union members themselves. In 1979, the

California legislature authorized collective bargaining for CSU faculty, including lecturers. Three years later, two organizations battled each other for bargaining rights—the United Professors of California, an affiliate of the American Federation of Teachers, and the more conservative Congress of Faculty Associations, which "made no secret of looking down on Lecturers and hoping to split them off into a separate bargaining unit."

In a run-off vote, the more welcoming UPC was narrowly defeated, in part because it failed to prioritize campaigning among lecturers. Ultimately, the CFA was forced to bargain for both tenure-line faculty and lecturers in the same unit. The CFA also avoided any further election competition from the UPC, when it became part of the Service Employees, via the latter's larger affiliation with the California State Employees Association.

Circle The Wagons?

For adjuncts, the challenge was the same regardless of their union affiliation. As the authors note, the anti-union climate of the 1980s encouraged many higher ed unions "to assume a defensive circle-the-wagons approach" rather than the "aggressive organizing posture they had taken in the 1960s and 1970s that had led to high-density faculty representation" in states with strong public sector bargaining laws. At the same time, "people working in what felt like the lower depths of college and university systems" were experiencing "bad working conditions, lack of job security, low pay, and lack of opportunities for professional advancement." In the CFA, this forced them to organize and assert themselves in elections for union office, statewide bargaining committees and contract campaigns, and local contract enforcement.

Berry and Worthen profile Lecturers Council leaders who found creative ways to enforce new contract protections against unfair lay-offs and denial of step increases. In 1994, the CFA helped adjuncts, with sufficient course loads, gain access to employer-paid health care coverage. This new benefit, achieved through legislation rather than bargaining, became a valuable tool for membership recruitment. But members of the CFA "old guard"—the mostly white, older male tenure-line leaders of the union—still downplayed lecturer problems and concerns. In response to an unpopular contract settlement in 1995, that weakened what little job security lecturers had, some started building an opposition caucus within the CFA.

By the union's next bargaining round, in 1998-99, rank-and-file activists, like Susan Meisenhelder, a former lecturer who had gained tenure, were able to rally members against another bad agreement reached without any workplace agitation or activity. In 1999, Meisenhelder and other reform candidates mounted a re-election challenge to the CFA's incumbent president, other statewide officials, and members of its board of directors. All the old guard officers were defeated, Meisenhelder became president, and her union vice-president was, for the first time, a lecturer, rather than a tenure track faculty member.

In various ways, the new leadership struggled to replace the "the service-oriented bureaucratic culture of the CFA" with a more activist approach, which included mounting credible strike threats and taking the union's case to the public. Outside consultants and new staff were hired who could help the union bargain from a position of greater strength, through membership recruitment, education, and collective action. Local rank-and-file leaders were invited to participate in a strategic planning process that included a series of conferences on "The Future of the University." At these campus gatherings, members critiqued the "corporatization" of higher education and brainstormed about alternatives to the predominant "business model" of CSU administrators. To win a more favorable statewide contract, the new leadership prepared for a system-wide rolling strike, a threat which only became credible after strengthening the role of lecturers in the union and highlighting, rather than ignoring, their bargaining priorities.

A Stronger Union and Better Contract

According to Berry and Worthen, the long-term results of this effort are reflected in both the CFA contract and structural changes within the union. The latter insured that lecturers are now better represented at all levels of the organization and "an important constituency in CFA."

Contingent faculty members have become particularly active in "an anti-racist and social justice initiative which includes representatives on each campus, a vice-presidential seat on the board, and a robust effort to incorporate these concerns into all aspects of the union's work."

The CFA's current collective bargaining agreement—its tenth since union certification—enables "someone working as a contingent in the CSU system to make enough money to lead a decent life—if they are assigned enough classes and if the live in a part of California where there is affordable housing." Lecturers who teach 40 percent of a full-time load get job-based benefits identical to the medical, dental, vision, life and disability insurance coverage of tenure-line faculty. Other rights and benefits for adjuncts also provide "a level of contractual equality that is extremely rare," according to the authors, who also praise CFA bargaining demands "that go beyond traditional job issues and address the quality of education, especially access to it by members of traditional minority populations."

As the authors note, new adjunct organizing has benefited from an influx of veterans from graduate student employee organizations, affiliated either with the AFT or amalgamated unions like the UAW, CWA, and UE. These grad student unions—representing teaching and research assistants at both public and private universities—have grown steadily over the past thirty years. Some of their activists became so involved in organizing and bargaining that they abandoned academia for trade union careers. As opportunities to obtain tenure track positions continue to shrink for newly minted PhDs, many have joined the ranks of contingent faculty. According to the authors, "new leaders have emerged who are younger, often women or people of color, reflecting the actual workforce more accurately than leaders in the past."

Faculty Forward

In recent campaigns at private-sector institutions, tens of thousands of adjuncts have become part of SEIU's "Faculty Forward" campaign, rather than join traditional education unions. One strength of the SEIU approach is what the authors call a "metro strategy," which means organizing contingent faculty as a regional workforce rather than targeting a single campus. One downside is SEIU's long-standing propensity for currying favor with potential industry partners before affected workers have much say in the matter. In California, where the union's membership includes few adjuncts other than those in its statewide CFA unit, the SEIU State Council backed a bill, signed by Governor Newsom last Fall, that will limit lawsuits, under the state's wage and hour laws, against wealthy private institutions like Stanford University. The legislation does set a new minimum hourly rate for classroom hours worked, which may provide a floor for future wage negotiations by adjuncts able to win bargaining rights with help from SEIU or other unions.

But, in California and Washington state, class action litigation has already netted millions of dollars for underpaid and still mostly unorganized contingent faculty. In Washington, a lawsuit against state community colleges resulted in an out of court settlement benefiting thousands of adjuncts and making benefit eligibility easier, which leads one longtime advocate for adjuncts to question the value of SEIU's lobbying. "Why on earth would a union representing adjuncts side with private colleges being sued for wage theft for not paying adjuncts for all of the hours worked outside of class?" asks Keith Hoeller, a Part-Time Faculty Association organizer in Washington state and editor of *Equality for Contingent Faculty: Overcoming the Two-Tier System.* "It's still not clear to me that

AB 736 actually raises pay for current adjuncts at private colleges or will do so in the future. But it does seem like SEIU wanted to get into the good graces of private college administrators and supporting this bill would certainly do that."

What other lessons can be learned from the experience of adjuncts who have already unionized? The authors argue that contingent faculty–as a majority of the academic workforce and, often, its union ranks as well–should prioritize "democratizing their unions and generating maximum feasible participation in them." Adjuncts need to develop the "capacity to speak as an independent collective voice within whatever over-arching organization" they choose to affiliate with. They also need to align their own quest for a better deal, within higher education, with the struggles of millions of other precarious workers who lack secure jobs, paid maternity, family or sick leave, adequate unemployment benefits, and affordable healthcare. In that same spirit, *Power Despite Precarity* is not just a solid guide to best practices in day-to-day trade union work within higher education. It's also a rousing call for the contingent faculty movement to embrace grassroots, rather than top-down, organizing and break out of the narrow confines of collective bargaining, as traditionally defined.