
Fighting to be Fired (But Only with Just Cause)

The Unionization of Nontenure-Track Faculty

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IN THE LAST THIRTY years, the share of nontenure-track faculty appointments in higher education has increased dramatically. According to the American Association of University Professors, 96 percent of all new faculty appointments in U.S. colleges and universities in 1969 were tenure-track; by the 1990s, only half of new appointments were tenure-track, and only half of these positions were full-time.

The increase in nontenure-track faculty has been gradual, but its cumulative effect is profound. According to a recent study by the American Federation of Teachers (AFT), just over half (51 percent) of all faculty at four-year institutions were nontenure-track in 1998, of whom 69 percent were part-time and 31 percent full-time. In the two-year college system, nontenure-track faculty were even more prominent, constituting 75 percent of all faculty (83 percent of these part-time). In aggregate, the percentage of nontenured faculty, including graduate student instructors, reached 68 percent in 1998. The era in which most teachers in U.S. higher education were either tenured or had a reasonable prospect of tenure is over.

In this article, we look at the situation of nontenure-track faculty where we teach, the University of Michigan. We explain why the university's approximately 1,500 nontenure-track faculty formed a union, the Lecturers' Employee Organization (LEO), MFT&SRP/AFT, AFL-CIO, and briefly outline what we achieved in our first collective agreement, ratified in June 2004. We argue, first, that the conditions under which nontenure-track faculty typically work are problematic—not only for those who do the work, but for the university

and society—and, second, that the best way to respond to these problems is to organize inclusive, democratic unions.

Lecturers 101

The men and women who have filled the gap caused by the growth of student demand for higher education and the stagnation of tenure-track job creation are called many things: adjuncts, instructors, lecturers, visiting professors. At the University of Michigan, most nontenure-track faculty are called lecturers, a term we use throughout this article. Thirty years ago, most lecturers were hired on a temporary basis to teach a course or two. They were young Ph.D.s, filling in for a professor on sabbatical before finding their own tenure-track positions, or experts with full-time jobs hired to teach a special course, or visiting faculty with tenure elsewhere. Adjunct positions like these still exist, but in the system that has emerged over the last thirty years, they are no longer the norm.

At the University of Michigan, lecturers are employed primarily to do classroom teaching on the university's three campuses—Ann Arbor, Dearborn, and Flint. University data indicate that lecturers account for about half of all undergraduate teaching, measured by student credit hours, on the Dearborn and Flint campuses. Lecturers in Ann Arbor account for 25 percent of the teaching in the College of Literature, Science, and the Arts, where the majority of Ann Arbor undergraduates pursue their majors. Another 25 percent of the college's undergraduate teaching is done by a different sort of nontenure-track teacher—graduate-student instructors. In Ann Arbor, as in Flint and Dearborn, tenured and tenure-track faculty now do only half of the undergraduate teaching.

How much do lecturers at Michigan earn? In 2002–2003, the average full-time Ann Ar-

bor lecturer earned \$41,228. For comparison, consider that the average salary of a Detroit public school teacher in 2003-2004 was \$62,992. The average lecturer salary also hides wide variations by discipline and campus. In Ann Arbor, some full-time Business School lecturers made more than \$100,000 a year, and the mean for full-time math lecturers was more than \$58,000, while the mean for full-time foreign language lecturers was about \$32,000. In Flint, full-time foreign language lecturers received an average of just over \$24,000 a year, at Dearborn, just under \$20,000.

Lecturers typically have little job security. They are often paid on a course-by-course basis and they can usually be hired and let go at will. At Michigan, for instance, lecturers lack the kind of continuous employment possessed by most non-teaching staff. While non-teaching staff know they have a job until they receive a pink slip in their pay envelope, lecturers are hired for fixed periods—often for no more than a single term. Lecturers can be terminated simply by non-renewal of their contracts. No reasons need be given for such a decision, even if the person in question served the university with distinction for many years.

Last year, in the Ann Arbor English Department, a dozen lecturers lost their jobs because the chair and other decision-makers decided not to follow an established practice for dealing with the problem of falling student demand in winter term. In years past all lecturers who taught three sections in the fall term were given two sections in the winter term. This time, despite earlier promises to follow the usual approach, the department decided to give some lecturers three sections in the winter term and a dozen others no sections at all. No reason was given for this devastating change. How was it decided which people would be offered three sections and which none? People were ranked on a list that the department would not make public, nor would it explain the criteria upon which the ranking was based. One thing seems clear: seniority counted for nothing, and it may even have had a negative weight. There also seemed to be a relationship between union activism and low ranking on the list, though we could not prove that the former caused the latter.

Most University of Michigan units are not

so arbitrarily governed. Still, before our contract with the university, there were no institutional mechanisms to prevent unfair or preemptory treatment of lecturers. What stood between more widespread abuses of power were the managerial skills and goodwill of department chairs and school deans. But these qualities varied widely from unit to unit and within units over time. One might be fortunate today, but still be only one administration appointment away from disaster.

Health benefits are also spotty or nonexistent for many lecturers, particularly in the summer. Before our contract, lecturers hired on term-to-term contracts often lost health-care benefits in the summer, even if they taught a full load during each term. A survey of our members found that 85 percent of respondents had health-care coverage during the academic year, but only 55 percent had coverage during the summer months. Losing benefits in the summer meant joining the ranks of the uninsured or making substantial payments in order to have continuous care. What's more, lecturers hired back for the fall term faced a series of bureaucratic hurdles to reinstate their benefits, a process that could stretch out for months.

Stable Oversupply

Given these conditions, why would anyone remain a lecturer? Why aren't lecturers leaving academia, shopping their doctoral degrees in the wider marketplace and accepting positions in industry, government, and nonprofit organizations? If that were happening, the academic labor market might eventually correct itself. But it's not happening on anything like the required scale. A survey of our members found that 72 percent were employed at Michigan for more than five years, and the median time employed was ten years. The national averages are similar. The AFT reports that in 1998, the average length of service for full-time nontenure-track faculty at institutions that had a tenure system was six years; at institutions with no tenure system, it was nine years.

Why do Ph.D.s accept jobs as lecturers and then *stay* in them? One part of the answer is that they value things other than salary and job security that are difficult to find in other kinds of work. A lecturer may value the intellectual

life, teaching college-age students, or staying in a particular community because a spouse or partner has a good job.

The specialized education that lecturers receive also limits their mobility. If they hold doctoral degrees—and, according to the AFT study, about half of nontenure-track faculty in public research universities do—lecturers have trained in their chosen discipline for five to ten years. In addition to this substantial investment of time, lecturers with Ph.D.s have a highly specialized knowledge that doesn't readily transfer into non-academic settings. By the time they defend their dissertations, doctoral candidates know a great deal about a small topic that may be of significant concern only within the academy.

If the skills they developed in graduate school are not marketable outside of the academy, these Ph.D.s are in a bind. They've trained for a job that, for all intents and purposes, does not exist. This is not an unusual situation. The Coalition of Graduate Employee Unions reports that in 1995 universities awarded approximately one-third more Ph.D.s than they hired. Perhaps the closest analog to the situation of "excess" Ph.D.s is an autoworker whose job on the assembly line is rendered obsolete through technological advances. The autoworker knows his or her particular job quite well and, if this job disappears, there may be no comparable position that makes use of these specific skills.

Of course if new Ph.D.s don't land a tenure-track position, they might decide to pursue jobs that don't require a doctoral degree. But competition for these jobs is fierce. Newly minted Ph.D.s may be competing for jobs that require only a bachelor's degree—against the undergraduates they taught the previous semester. Moreover, among this thick field of qualified candidates, the Ph.D. looks a little odd. In addition to being older than most entry-level candidates, the candidate has much to explain: the doctoral degree, the years of graduate school, the decision to pursue a different career, and so on.

Paradoxically, the very thing that *should* make the recent Ph.D. marketable—that is, education—is limiting. Having trained for many years for a specific job makes Ph.D.s less marketable for jobs that require less education. The position as a lecturer, in contrast, does

make use of their specialized education. They get to do the job that they trained for, though for less compensation.

Fighting to be Fired (but only with Just Cause)

If many nontenure-track faculty are unwilling to quit (and more are joining our ranks each year), then the classic market remedy of exit will not solve our individual problems, let alone the systemic ones associated with the changes of the last thirty years. The question becomes this: is this type of worker willing and able to organize into unions capable of giving collective voice to their demands for systemic change? The answer, at the University of Michigan, has been a resounding yes! On April 30, 2003, LEO won 82.4 percent of the vote in a state-monitored certification election in which some 1,400 lecturers from University of Michigan's three campuses were eligible to vote. The following academic year, LEO began bargaining with the administration for a contract. When negotiations reached an impasse in April 2004, we held a highly successful one-day walkout. One month later, we had a tentative agreement, which was then ratified by 96 percent of voting LEO members.

Getting to that result required a lot of organizing and a lot of help from others. In the 2001–2002 academic year, the Michigan Federation of Teachers and the AFT committed the resources to pay for organizers and other expenses for each of the next three years. The University of Michigan's long-standing graduate student union, the Graduate Employees Organization, supported LEO from the beginning, providing office space, a wealth of organizing experience, and a host of willing volunteers.

The scale of our organizing challenge was increased by our inclusive definition of whom we wanted in our union: full-time and part-time nontenure-track teaching faculty from every school and department in the university and on all three of Michigan's campuses. This definition of our bargaining unit made for an extremely diverse membership, a microcosm of the entire university. Still, three concerns—job security, salary, and health benefits—were widely shared. It was an impasse in negotiations on these core concerns that led to the walkout. On job security, for example, the ad-

ministration insisted on no real change in the share of our members (about 85 percent) on a term-to-term or year-to-year contracts. As one wag on our Organizing Committee put it, we were going to have to fight for the right to be fired for just cause (as opposed to not having our contracts renewed for any old reason at all).

The walkout was the turning point in the negotiation process. Member turnout was very high on all three campuses. Some tenure-track and tenured faculty cancelled classes entirely, and others moved their classes off-campus. A significant number of the University of Michigan clerical workers chose not to work that day. Building trades workers refused to cross our picket lines even though it cost them a day's pay. That opened a few eyes in our ranks! Undergraduates, especially Students Organizing for Labor and Economic Equality (SOLE)—the University of Michigan's branch of United Students Against Sweatshops—did an excellent job of rallying their fellow students in our support.

Once it became clear what our members were willing to do, and how much support we had from the wider university community, the administration's bargaining team began making concessions on core issues. We did not get all that we sought in our ambitious bargaining platform, but we made substantial gains on most of our demands, despite the difficult fiscal situation in Michigan. On job security, all lecturers will now undergo a major review within the three-year life of the contract. If we do not pass it, we will have a year to improve our performance before being re-evaluated. If we pass, we will get a substantial raise of 5 percent to 7 percent, longer contracts, and a "presumption of renewal." This "presumption" means that if the Administration does not wish to renew our contract, it must show either that there is insufficient work to hire us, or that we have failed to meet quality standards. There are good provisions governing what these standards can be, and we have an excellent grievance procedure.

The contract also raises minimum salaries on all three campuses, resulting in substantial gains for many lecturers on the Flint and Dearborn campuses. Annual increases will now equal the average percent increase for the tenured and tenure-track faculty. In the 1990s, the raises going to this group were substantially higher than those

going to nontenure-track faculty, who averaged only 1 percent per year after inflation. Summer health-care benefits will now extend to all lecturers who worked at least half time in the previous year and are rehired for the fall term. The full text of the collective agreement, together with detailed summaries and explanations of the more complex items, may be found at: leo.mftrsrp.org/files/contract/index.htm.

Wider Implications

What does all this imply for the systemic problems associated with the fundamental changes in higher education labor markets over the last thirty years? Is there a model here that, if generalized, would help address these problems, or would it make them worse?

Scope of Academic Freedom The original point of tenure was not to reward faculty who publish in prestigious journals. Rather, it was to protect academic freedom; that is, our right to explore the questions that we consider most important, and to teach and publish what we think are the best possible answers to those questions, whether or not this offends our students, college administrators, or private interests in the wider society. The rationale for this exceptional level of job security was that the public would benefit from the freer and wider-ranging debate that would result.

Yet most nontenure-track faculty lack this kind of security. During our organizing efforts, it was not uncommon for members to tell us that they did not push students as hard as they would like—either with challenging ideas or workload—when they knew that student evaluation numbers were going to be the primary criterion used to determine whether their contracts would be renewed. To the degree that this occurs, our students are cheated of the benefits of a high quality education that stresses genuine understanding over rote learning and critical thinking over the acquisition of technical skills that leave *status quo* arrangements unexamined.

LEO's collective agreement addresses this problem. Following our major review, nontenure-track faculty gain the greater job security that results from the "presumption of renewal." The contract also specifies that student evaluations cannot be the primary method of assessing faculty teaching. Together, these provisions

help to extend genuine academic freedom to nontenure-track faculty at Michigan. If similar or stronger job security provisions were extended to nontenure-track faculty in other higher education institutions, we could reverse much of the erosion of academic freedom that has occurred over the last thirty years.

Quality of Undergraduate Education In its struggle to prevent the erosion of tenure and academic freedom, the American Association of University Professors has sometimes portrayed the increased reliance on nontenure-track faculty as necessarily entailing a decline in the quality of the education. We agree that nontenure-track faculty typically lack academic freedom and that this diminishes the value of their teaching. But it would improve quality significantly—not just stabilize its decline—if these teachers win real job security through organization and collective bargaining. Whether or not this job security is called tenure is a secondary matter.

If nontenure-track faculty attain job security provisions as good or better than those found in our contract, the quality of undergraduate education may well be better than if all faculty were tenured or tenure-track—so long as tenure and salary depend mainly on research and publication. Our current criteria for awarding tenure encourage teachers to devote most of their energy to research. By contrast, nontenure-track faculty, with the same professional training, are more often focused on becoming first-rate teachers.

Tuition Fees and Accessibility Public universities like the University of Michigan were created in part to provide a high quality university education to all qualified students, something that private universities never came close to doing on their own. But tuition has increased dramatically at many public universities over the last decade. For example, between the 1989–1990 and the 2003–2004 academic years, nominal University of Michigan tuition and fees for an in-state, first-year student in the College of Literature, Science, and the Arts increased from \$3,288 to \$7,975. After inflation, this amounted to a 37 percent increase during this period. It is not surprising, in this context, that more than half of incoming University of Michigan undergraduates in 2003

reported that their family income was \$100,000 or greater, while the median family income in the Midwest was about \$55,000.

WILL THE improvements in compensation won by union bargaining push tuition rates even higher, further reducing access for lower income families? We don't think that they need do so. The Michigan administration estimates that salary and benefits for lecturers in our bargaining unit cost about \$30 million in fiscal year 2003. Net revenues from student tuition and fees that year were about \$564 million. Thus, our compensation amounted to about 5 percent of tuition-based revenues. The small share is perhaps shocking, but it is good news from the standpoint of student tuition. Doubling our compensation would require only a 5 percent increase in student tuition if the administration funded the entire improvement through tuition increases. And this rate of compensation could be achieved at no cost to our students if the administration reallocated just 1.3 percent of its total revenues (excluding hospitals and other medical facilities).

In sum, we believe that our organizing and bargaining have begun to expand the scope of academic freedom and improve the quality of undergraduate education, at little if any cost to accessibility. We recognize that the University of Michigan—or, at least, its Ann Arbor campus—is a relatively rich university. The numbers may not work out so well elsewhere. Still, our experience suggests that if our counterparts in other universities and colleges organize and bargain hard, they can significantly improve their own situation. And they can increase the effectiveness with which the higher education system serves our students and the common good. ●

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