

Practice Update

20-Day Strike Ends at University as Unionization on Campuses Picks Up

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By Amy Moor Gaylord

On February 11, 2019, Wright State University's Board of Trustees voted unanimously to approve a deal to end a 20-day faculty union strike by the university's tenured, tenure-eligible, and non-tenure eligible faculty. The faculty are members of the Wright State chapter of the American Association of University Professors (the union). The nearly five-year deal will extend through June 30, 2023. As unionization of college campuses accelerates, disruptive and costly strikes such as Wright State's may become more common in the higher education sector.

As part of the deal, the union's approximately 560 members will join a university-wide healthcare plan, which had been a sticking point with the union throughout negotiations. Faculty will also receive up to a 2.5 percent raise in each of the 2021-2022 and 2022-2023 academic years, but no increases in 2018-2019, 2019-2020, or 2020-2021. Additionally, as part of the deal, the union agreed to several other financial concessions including the university's ability to furlough faculty up to one day per semester and reduce summer teaching pay by 15 to 20 percent. The deal is estimated to save the university around \$3 to \$4 million each year.

The strike wrought havoc on enrollment and class scheduling, with more than 400 students withdrawing from the school since the beginning of

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the spring semester. The university had advised students that classes would continue during the strike, but some classes were later canceled or went without an instructor leaving students to fend for themselves. Enrollment is expected to drop below 17,000 for the first time in more than ten years. Strikes at other universities have seen similar effects on enrollment. For example, in 1990, a 29-day strike at Temple University in Philadelphia led to more than 3,500 students withdrawing from the school. Enrollment did not return to pre-strike levels until nine years later and the strike was estimated to have cost the school around \$12.5 million. At Youngstown State University, a faculty strike caused enrollment to dip by about five percent the next fall.

While tenured and tenure-track faculty unions are quite common at public colleges and universities, they tend to be somewhat rare, although not unheard of, among private higher education institutions. Generally, faculty at private schools are considered “managerial” in nature, based on their role in university governance, and, thus, exempt from coverage under the National Labor Relations Act, the federal law that protects employees’ right to form or join a union. Bargaining with tenured faculty can often lead to disputes over tenure decisions, curriculum, and other matters usually reserved for management decision making.

Unionization has boomed, however, among adjunct faculty and grad students. According to an article in the *Chronicle of Higher Education*, adjunct faculty, both full- and part-time, at more than 60 colleges and universities have been organized by the Service Employees International Union. Meanwhile, an August 2016 National Labor Relations Board decision overturned prior precedent and gave graduate students the right to organize. Union organizing campaigns among graduate teaching and research assistants quickly sprang up at more than a dozen campuses across the country.

It remains to be seen what lasting effects the strike will have on Wright State and there is no estimate as of yet how much the strike cost the university. Advance strike planning can help colleges and universities avoid the pitfalls of a strike by making sure classes can continue throughout to attempt to minimize enrollment decline.

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