

# Unionization and Shared Governance at Historically Black Colleges and Universities

*By Elizabeth Davenport*

Given their history of socio-economic peripheralization and continued struggles for success, one would expect African Americans—especially highly educated ones—to be adept at the various forms of mobilization and advocacy, especially that of labor unions, which have not only provided them access to opportunities but also given them a voice in the governance of organizations. But they are not, and this is especially true of faculty members in Historically Black Colleges and Universities (HBCUs). In fact, on some HBCU campuses faculty members have no mechanism to participate in the governance of their own universities.

In this article, after briefly summarizing the history of HBCUs, I will examine the role of unions as an agent of faculty representation and a conduit of shared governance between faculty and administrators. Specifically, my aim is to examine unionization as a form of advocacy for meaningful participation and representation by HBCU faculty in decision making at HBCUs, whether in the form of dispute resolution, collective bargaining, or the promulgation of operational policies.<sup>1</sup>

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**Elizabeth K. Davenport**, *Ph. D., J. D.*, is president of the United Faculty of Florida—Florida A&M University and vice-president of the statewide United Faculty of Florida. Dr. Davenport is a professor in the Department of Educational Leadership and Counseling in the College of Education at Florida A&M University. She is a graduate of Michigan State University's College of Education, where she received a doctorate in Teaching, Curriculum, and Educational Policy. Dr. Davenport is the author of more than 50 articles, chapters, and proceedings papers, and the successful chair of over 20 dissertations. Her research interests are K–12 teaching and learning, African-centered education, the integration of technology in K–12 classrooms, educational and constitutional law, and educational policy.

## A BRIEF HISTORY OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

One of the greatest struggles faced by African Americans has been the prolonged fight to be educated. The first higher education institution for African Americans, the Institute for Colored Youth, was founded

in Cheney, Pennsylvania, in 1837. About 20 years later, Lincoln University, also in Pennsylvania, and Wilberforce University in Ohio followed. Initially, institutions were called “universities” or “institutes,” but their primary mission was to provide elementary and secondary schooling to the educationally disenfranchised African American population. Traditionally white institutions (TWIs) had similar missions during this time.

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Following the Civil War, the situation changed. Public support for higher education for African American students came from the enactment of the Second Morrill Act in 1890. The First Morrill Act (also known as the National Land-Grant Colleges Act of 1862) made post-secondary education accessible to broader state populations, but did not recognize the needs of African American students. The Second Morrill Act made provisions for land grant institutions for African American students in states with racially segregated institutions of higher education. As a result of the passage of the new act, public land-grant institutions for African American institutions were founded, as well as a number of formerly private African Americans that were started in mostly southern states. In addition, former private African American institutions came under public control, and 16 African American institutions were designated land-grant colleges.

In 1896, the U.S. Supreme Court’s decision in *Plessy v. Ferguson* established the “separate but equal” doctrine. This doctrine validated racially dual public elementary and secondary school systems, and provided segregated teacher training programs aimed at educating African American students in segregated public school systems. The court’s decision stipulated that states must offer schooling for African American students, as soon as it provided

it for whites; that African American students must receive the same treatment as white students; and that states must provide facilities of comparable quality for African American and white students.<sup>2</sup> To eradicate the vestiges of discrimination, many states resorted to policies of social equality readily accepting the separate but equal construct. These policies were this nation’s first attempt at affirmative action, providing minorities (and white women) certain preferences in employment and college admissions.

By 1953, more than 32,000 students were enrolled in *private* African American institutions and other small African American colleges, such as Fisk University, Hampton Institute, Howard University, Meharry Medical College, Morehouse College, Spelman College, and Tuskegee

Institute. In addition, over 40,000 students were enrolled in *public* African American colleges, and HBCUs enrolled 3,200 students in graduate programs.<sup>3</sup> In a racially segregated society, these private and public institutions provided an education for African American teachers, scientists, ministers, lawyers, and doctors.

The “separate but equal” doctrine was rejected in 1954 when the U.S. Supreme Court in *Brown v. Board of Education* ruled that racially segregated public schools deprived African American students of equal protection guaranteed by the 14th Amendment of the U.S. Constitution. Despite the court ruling in the *Brown* decision, most HBCUs remained predominately African American institutions. With the passage of the Civil Rights Act of 1964, more African American students began exercising their rights and enrolling in TWIs. These new opportunities, coupled with the erosion of support for affirmative action since the 1970s, led to additional stresses on HBCUs. Over the past 40 years, almost 20 HBCUs have closed—primarily due to money problems and so-called “diversity initiatives” at TWIs that have siphoned away enrollments and endowments.<sup>4</sup> The closures of these schools represent a significant loss of opportunity for many African American students. However, others (e.g., state regulators) see this loss of enrollment differently. Norman Tripp,

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a member of the Florida Board of Governors recently said that Florida A&M University was experiencing dwindling enrollment because other state universities are making gains in attracting more minority students. “The reality is you are competing in a very hot market and that makes it difficult. You need to be diverse,” Tripp said.

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#### THE CONTINUED RELEVANCE OF HBCUs

Despite the decline noted above, HBCUs continue to produce African American graduates in great numbers. These alumni enter the professional world in occupations as varied as education, medicine, law, STEM (science, technology, engineering, and mathematics) disciplines, public service, government, and business.

Specifically, over half of all African American professionals are graduates of HBCUs. According to the U.S. Department of Education, the nation’s HBCUs accounted for more than 10 percent of all African American doctoral graduates in 2004 and 2006.<sup>5</sup> Additionally, more than 50 percent of the nation’s African American public school teachers and 70 percent of African American dentists earned degrees at HBCUs, while Spelman College and Bennett College produce over half of the nation’s African American female doctorates in all science fields.<sup>6</sup>

Student engagement is one of the most influential factors in student success. According to the National Study for Student Engagement, on some measures, students at HBCUs report higher levels of engagement than do their white counterparts at non-HBCUs.<sup>7</sup> For example, African American students at HBCUs are more likely to be involved in student government, spend more time using campus facilities, and participate in clubs and organizations.<sup>8</sup> Students attending HBCUs appear to demonstrate increased charitable giving, political participation, religious participation, and a greater propensity to major in the physical sciences compared with those who went to TWIs.<sup>9</sup> Yet, despite the key role HBCUs have played and continue to play in the lives of African Americans and this nation, the worth of a HBCU degree is on the decline. Economists Fryer

and Greenstone note that, during the 1970s, African American students attending HBCUs had greater likelihood of graduating than African American attendees at TWIs, and consequently HBCUs provided a substantial wage premium to their students. But by the 1990s, HBCU attendance yielded a wage penalty of approximately 20 percent to African American graduates in comparison with African American students attending a TWI.<sup>10</sup> The authors believe that their study offers “modest support for the possibility that the relative decline in wages associated with HBCU matriculation is partially due to improvements in TWIs’ effectiveness at educating.”<sup>11</sup> Today, as the racial makeup of flagship and Research I institutions across the nation becomes more Asian and white, African

American, Hispanic and the socioeconomically disadvantaged are being displaced.<sup>12</sup> HBCUs serve a high proportion of minority students, as well as a high percentage of low-income students, with over 70 percent of students attending HBCUs receiving Pell Grants. However, even though HBCU enrollment and graduation numbers are relatively small compared to TWIs, these institutions produce 16 percent of all bachelor’s degrees earned by African Americans, 25 percent of all bachelor’s degrees in education earned by African Americans and 22 percent of all bachelor’s degrees in STEM fields earned by African American students.<sup>13</sup> In 2015, despite the challenges they face, HBCUs continue to play an important role in our society through the education of African American graduates prepared and ready to compete in the global market.

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#### FACULTY, LEADERSHIP, AND GOVERNANCE

Shared governance is a foundational concept in American higher education and describes how institutions of higher education are formally organized and managed when the participation of all parties is included. The principle of shared governance mandates that all college and university employees—including tenured faculty, junior faculty, temporary and part-time/adjunct faculty, graduate assistants, and professional and

support staff—have a guaranteed voice in decision making, a role in shaping policy in the areas of their expertise. In fact, shared governance is not a simple matter of committee consensus, or the faculty engaging administrators to take on additional work. Shared governance is a multi-dimensional concept that balances essentially two academic tasks: admin-

istrative accountability, and faculty and staff participation in planning and decision making.

Effective faculty governance requires a focus on professional academic priorities and full administrative disclosure of all facets of governance. The American Association of University Professors (AAUP) supports the idea of interdependency and mutual support between the administration and faculty, and states that they share primary

responsibility for “curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.”<sup>14</sup> It also speaks of the college or university as being a joint enterprise.

According to AAUP, joint effort in an academic institution can take a variety of forms. “In some instances, an initial exploration or recommendation will be made by the president with consideration by the faculty at a later stage; in other instances, a first and essentially definitive recommendation will be made by the faculty, subject to the endorsement of the president and the governing board. In still others, a substantive contribution can be made when student leaders are responsibly involved in the process.”<sup>15</sup>

However, it is in the area of shared governance that HBCUs have been most criticized by those concerned with the state of the profession. The AAUP has censored several HBCUs for violations of academic freedom and shared governance: Clark Atlanta University (2010), Stillman College (2009), Benedict College (2005), Virginia State University (2005), Meharry Medical College (2004), Philander Smith College (2004), the University of the District of Columbia (1998), and Talladega College (1986).<sup>16</sup> It is troubling to imagine that faculty members at

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HBCUs, although responsible for student learning at HBCUs, are not active in the leadership of these schools. In fact, lack of shared governance is one of the biggest barriers to faculty advancement and development at primarily African American institutions.<sup>17</sup>

### *Faculty Senates*

At most universities, the faculty senate is the supreme legislative body on internal policy, and is the highest legislative body within the university to advise the president on academic matters and other concerns. It acts in an advisory capacity for major policy changes, such as restructuring, layoffs, economic policy changes, and tenure and promotion, with the senate’s recommendations reflecting the

consensus of the faculty. Depending on their constitution and by-laws, faculty senates are forums where the elected senators and other faculty members discuss and debate curriculum issues and university concerns. At most universities, the senate decides routine items. For the most part, faculty senate deliberations focus on the welfare of the faculty and most university operations, where senate members are able to offer their professional expertise. The faculty senate also serves as a forum for collegial faculty participation in decision-making relating to the institution-wide academic standards and policies. A collegial academic environment:

...can best be accomplished through Senates selected by representatives of the appropriate campus constituencies in accordance with the institution’s constitution and tradition. Appropriate matters of concern should be brought before the Senate by its members or steering committee, or by the President of the university or representatives. Among matters which may be of concern to the Senate include: (a) curriculum policy and curricular structure; (b) requirements for degrees and granting of degrees; (c) policies for recruitment, admission, and retention of students; (d) the development, curtailment, discontinuance, or reorganization of academic programs; (e) grading policies; and (f) other matters of traditional concern.”<sup>18</sup>

But when the stakes are high, campus administrations and boards of trustees are fully prepared to overrule a faculty senate, especially on HBCU campuses. At Harris-Stowe University in St. Louis, for example, where their faculty affiliated with NEA and negotiated their first collective bargaining contract in 2013, the faculty senate was reinstated only

very recently, at the recommendation of the institution's accrediting body, after being abolished by Henry Givens, Harris-Stowe's former president, who headed the university for 32 years.

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#### *Collective Bargaining*

Collective bargaining is the ultimate shared governance tool. Collective bargaining is "a bilateral process that, with the weight of law, conveys equal power to unions

and administrations to negotiate terms of employment, including salary, benefits, and workload."<sup>19</sup> The contracts negotiated through the collective bargaining process acknowledge and legitimize shared governance, and convey power to faculty unions. Often, the collective bargaining system coexists with a faculty or academic senate that provides faculty with structured involvement in the governance of the institution.

However the habits and behaviors of collective bargaining often are contrary to the established attitudes and behaviors of HBCU administrators. Collective bargaining requires faculty and boards/administrators to interact as equals in an effort to produce a legally binding agreement. That agreement cannot be unilateral changed, but may be changed in whole or part if the parties mutually agree to renegotiate the agreement. HBCU administrators and boards of trustees have traditionally made unilateral decisions, they are not used to working toward mutual agreement with faculty, and they often discourage full participation by faculty in the collective bargaining process.

Although unionization maybe on an upward trend, the collective bargaining process is still difficult at HBCUs. In Florida, state universities have collective bargaining rights, including Florida A&M University (FAMU), where I work; however, the collective bargaining process at

FAMU is unlike any of the other 12 institutions in the State University System of Florida. At our peer universities, administrators approach the process differently by setting aside additional monies for faculty and by participating in the process. Through outside counsel, the FAMU administrative team has refused to accept changes to the current collective bargaining agreement, nor provide additional remunerations for faculty, aside from a \$1,000 State of Florida disbursement received in October 2013, and a \$600 increase that 35 percent of FAMU faculty received earlier this year. In their February 2014 newsletter, shortly after declaring impasse in negotiations, the United Faculty of Florida-FAMU described the problems in dealing with their administration, stating:

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The administration was also totally indifferent to the concept of collective bargaining. In fact, the administrative collective bargaining team failed to even show up at many of the regularly scheduled sessions. The problem was so prevalent that at the January 21, 2014 Faculty Senate meeting we sought the support of the Senate.<sup>20</sup>

Even after faculty senate intervention, FAMU faculty still did not have a contract in 2014. The last collective bargaining agreement had expired at the end of 2013. However, the president of FAMU, when she hit rough waters in her relationship with the board of trustees, decided to settle the contract in the summer of 2015 for a minimal amount.

A quick view of recent events would indicate that collective bargaining is on the move at HBCUs. In April 2014, Howard University adjuncts voted overwhelmingly to form a union with the Service Employees International Union (SEIU) becoming the first part-time faculty members at a HBCU to have a faculty union. In August 2014, adjunct faculty members at the University of the District of Columbia also voted 82 to 25 in favor of affiliating with SEIU.<sup>21</sup>

Nonetheless, while the faculty at Harris-Stowe State University did negotiate a contract in 2014, collective bargaining activities on

HBCU campuses is not an increasing trend, and these instances are exceptions to the rule. The faculty and staff at Harris-Stowe decided to form unions after years of oppressive labor practices, (e.g., erratic tenure and promotion policies, autocratic leadership, and salary inequities). Meanwhile, faculty at UDC and Howard may have been encouraged by

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labor conditions in Washington, D.C., which, according to *Adjunct Action*, has become ground zero of a high speed adjunct union movement. That movement seeks to address higher education's increased reliance on contingent faculty, a development that has turned what was once a good middle class profession—college teaching—“into a low-wage, no-benefits job without any job security.” Often increased trends in

unionization are responses to autocratic leadership behaviors or, in the case of adjuncts, economic security.

#### LEADERSHIP BEHAVIORS AND CHARACTERISTICS

HBCUs are governed differently than TWIs, and some believe that this difference rests on the cultural differences between TWIs and HBCUs. Others believe the difference rests with leadership. Minor suggests researchers should not make false comparisons of the institutional structure of HBCUs and predominantly white colleges and universities.<sup>22</sup>

Social science researchers readily note numerous cultural differences between African Americans and whites. Many HBCU presidents, for example, are said to emulate the charismatic, paternal approach found in African American churches.<sup>23</sup> Meanwhile Herrin, who studied leadership characteristics of HBCU presidents, characterized their overall leadership style as autocratic. This perception that administrators, particularly presidents, are dictators is a key source of strain between HBCU faculty and administrative leadership.<sup>24</sup> More often than not, HBCU presidents have been accused of imposing unilateral decisions on faculty and staff. However, some HBCU proponents also suggest that strong presidential

leadership is partly responsible for the survival and progress of these institutions, and suggest that scholars and practitioners need to know what contextual differences might explain the use of distinct practices.<sup>25</sup> Meanwhile, many other HBCU proponents are growing to appreciate that faculty's professional development and its voice in curriculum and other matters of learning are necessary for student success and with that understanding, they are coming to realize that shared governance is critical to achieving the educational goals of HBCUs. All faculty, staff, and administration must be educated on these matters.

Examining the trends for representation and advocacy through unionization at HBCUs, we also must take into consideration the role unions play in African American lives in general.<sup>26</sup> While labor unions have become the vanguards for mobilizing, advancing, and championing the rights of many American workers, such has never been the case for faculty at HBCUs. For a prolonged period in U.S. history, African Americans were excluded from permanent labor force participation. Reasons for that exclusion ranged from their lack of education and skills to overt prejudices and discriminatory labor practices, including outright threats and intimidation. These various forms of exclusion should have motivated HBCU faculty to develop their own strategies to earn the right to participate in the governance of their institutions. Their history also should have taught African American faculty members to realize that their discriminators, who were mainly located outside of their racial and ethnic groups, also exist within. But when faced with forces of oppression and exploitation on HBCU campuses, faculty members mostly have failed to mobilize or organize against the forces of domination.

In a recent informal phone survey, conducted by graduate students at FAMU during March 2014, the labor management practices of 103 HBCUs were measured. Students found that just 21 percent of those institutions reported having an employment contract or collective bargaining agreement with faculty—the kind of document that could

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codify shared governance and make clear faculty's role around curriculum development, faculty hiring and training, and more. Moreover, just 15 percent of institutions, or five of the 103, reported that their faculty were represented by a union or professional association.<sup>27</sup> And, while the survey results are informal and limited by timing and occasional difficulty

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in locating a contact person to complete the survey, these results are supportive of research on the limited participation of HBCU faculty in unions and unionization efforts.

Not only does it appear that organized labor has been unsuccessful in mobilizing faculty into action against unfavorable conditions of employment, unions seem to be viewed with suspicion at HBCUs. The cultural affinity that flourished among African Americans when

the enemy was external seems to insulate HBCU administrators from being viewed as an oppressive force. In addition, even when the affinity between faculty and administration is not evidenced, the perception is that a relationship nonetheless does exist. This is likely due to the struggle of HBCU administrators' to keep open their institutions in these financially trying times, often worsened by harmful state legislation or cuts in public funds. As a result, the negative forces continue to be viewed as coming from the outside. If faculty were to mobilize and advocate through union representation, it may be perceived as if they are allying with external forces to weaken or erode the survival of HBCUs.

Another possible reason that HBCU unionization (and faculty representation and advocacy through unions) has suffered is that unions do not have deep roots in the history and struggles of African Americans. When coupled with the perception of affinity relationships on HBCU campuses, the overall perception is that discontent or unfair employment practices can be effectively resolved through individual pleas or appeals.

But given the many challenges facing HBCUs, and the increasing trend to link any state or federal funds for those campuses to metrics like graduation rates or salaries earned by recent graduates, it is imperative that HBCU faculty mobilize and advocate for, and gain, an expanded

role in the decision-making process. For the sake of institutional survival, faculty, staff and administration must work together to promote shared governance and find ways to increase opportunities for professional development, teaching innovation, and student learning. These efforts likely start with HBCU presidents, who must reduce their adversarial stance towards faculty and staff, and HBCU boards of trustees, who must oversee presidential searches with an eye toward attaining an effective and collaborative leader. But it also depends upon faculty and staff calling for a seat at the table where decisions that affect their ability to teach, and students' opportunity to learn, are made. For many faculty, unions and collective bargaining are critical keys to that seat at the table. Collectively, unionized faculty and administrators, working together through shared governance, can help HBCUs continue to survive and their students to thrive well into the 21st century. [nea](#)

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## END NOTES

1. This article is based on a presentation made at *Achieving Successful Results in Higher Education through Collective Bargaining*, the 41st Annual National Conference a Joint Labor/Management Meeting held at the CUNY Graduate Center, New York, April 6–8, 2014.
2. Court cases related to *Plessy v. Ferguson* include: *Simuel v. Board of Regents of University of Oklahoma* (1948); *MacLaurin v. Oklahoma State Regents* (1950); and *Sweatt v. Painter* (1950).
3. National Center for Educational Statistics, "The Educational Effectiveness of Historically Black Colleges and Universities."
4. Turner, "Affirmative Action Hurts Historically Black Colleges and Universities."
5. National Association of Historically Black Colleges and Universities Title III Administrators, "HBCUs Engaging the World."
6. *Ibid.*
7. National Study for Student Engagement, *Engaging African American Students Compare Student Engagement and Student Satisfaction Survey*.
8. See Sutton and Kimbrough, "Trends in Black Student Involvement," pp. 30–40; and Watson and Kuh, "The Influence of Dominant Race Environments on Students' Involvement, Perceptions, and Educational Gains: A Look at Historically Black and Predominantly White Liberal Arts Institutions," pp. 415–24.
9. NSSE, *op cit.*
10. Fryer and Greenstone, "The Changing Consequences of Attending Historically Black Colleges and Universities," pp. 116–48.

11. *Ibid*, p.116.
12. Ajinkya, "Asian Americans Benefit from Diversity in Higher Education Center for American Progress."
13. Commission on Civil Rights, "The Educational Effectiveness of Historically Black Colleges and Universities."
14. American Association of University Professors, "Statement on Government of Colleges and Universities."
15. *Ibid*.
16. *Ibid*.
17. While it is outside the scope of this paper, it should be noted that HBCU faculty tend to teach more courses and are paid less than their counterparts at TWIs. Typically, HBCU faculty teach four or more courses a semester. Full professors at HBCUs earn a little more than half of what their counterparts earn at the national level. Salary disparities between HBCUs and the national average range between \$18,000 and \$53,000. Additionally, the majority of HBCU students are first-generation college students from low-income families.
18. AAUP, *op cit*.
19. Bucklew et. al., "Shared Governance and Academic Collective Bargaining in American Higher Education: A Potential Model for U.S. Participation in the Global Experience of Works Councils and Codetermination."
20. Rattler Nation, "Maupin, Suber Too Arrogant and Disrespectful Toward Faculty to Provide Quality Leadership."
21. Oguntoyinbo, "More HBCU Faculty Lean toward Raising Collective Voices, Diverse Issues in Education."
22. Minor, "Faculty Governance at Historically Black Colleges and Universities, pp. 34-7.
23. *Ibid*.
24. Herrin, "Historically Black College and University Presidents: Personal and Professional Challenges, Career Paths, and Leadership Characteristics."
25. Minor, *op cit*.
26. When Martin Luther King Jr. died in Memphis, he was there to protest the condition of city sanitation workers who were severely underpaid. The workers had gone on strike in February and King arrived in April, intending to lead a massive nonviolent march to support these workers when he was assassinated. It is interesting to note that a critical event in African American history occurred due to unionism because blacks and union have a conflicted, as well as troubled history. Given that the fundamental message of today's labor unions is solidarity and unity, the early unions ended up on both sides of the America's racial divide. The Knights of Labor and the American Federation of Labor (AFL), both established in the late 1880s, adopted different racial policies. The Knights of Labor were racially inclusive, while the AFL and its leader, Samuel Gompers, despite having an antidiscrimination policy, kept African Americans out of its union believing that they would take jobs from their membership. In the early history of American unions, many employers exploited this divisive policy and enlisted black workers as strikebreakers. Eventually the AFL and other unions realized that discriminatory policies were thwarting their own objectives and through the efforts of the Congress of Industrial Organizations, unions were desegregated prior to any other sector of American society. See Wilson, et al., *Race and Labor Matters in the New U.S. Economy*.
27. The five institutions where contact people answered yes to the phone survey question about unions or other associations on campus were; Delaware State University, the University of the District of Columbia, Florida A&M University, Jackson State University, and Virginia Union University, where faculty do not have a union but do participate in a faculty senate.

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