

The Unionization of Clerical, Technical, and Professional Employees in Higher Education: Threat or Opportunity

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January 1993—Clerical and professional workers at Smith College announce plans to organize a union with the assistance of District 925, Service Employees International Union.

March 1993—Professional employees for the University of Wisconsin system choose the American Federation of Teachers as their bargaining agent.

April 1993—Technical and clerical employees of Indiana University vote to be represented by the Communications Workers of America.

Union organizing among non-teaching white collar employees of colleges and universities persists. To the discomfort of many university administrators, high visibility union successes at Yale, Columbia, Harvard, the University of Cincinnati, and the University of Illinois were not isolated instances but part of a trend.

Professional, technical, and clerical employees' desire for a more effective voice, has combined with the economic insecurity associated with stubborn budgetary pressures, to encourage these workers to pursue union representation. Unions have responded to this opportunity with enthusiasm, experimenting with innovative organizing and bargaining strategies in the relatively open environment offered by institutions of higher education.

This chapter presents a sympathetic summary of this phenomenon. It touches on employee motivation to unionize, models of university white collar organizing, responses to unionization by university administrators, and the range of possible bargaining relationships. The concluding section suggests a management position towards organizing and bargaining consistent with the highest standards of the academy. To set the stage, the essay begins with a descriptive review of the extent of unionization.

Non-Faculty Union Representation in Higher Education

In 1991, the National Center for the Study of Collective Bargaining in Higher Education and the Professions (NCSCBHEP) published the results of a survey of colleges and universities regarding the collective bargaining status of their non-

faculty employees.¹ That data was updated and expanded under the sponsorship of the Institute for Collective Bargaining at Cornell University, and reported in preliminary form in the November/December 1992 issue of the *NCSCBHEP Newsletter*.² A complete directory based on the followup survey is scheduled for publication.

Based on the latest information available, approximately 384,000 non-faculty employees are represented by unions. This breaks down as follows for broad occupational categories: clerical 148,000; professional and technical 123,000; blue collar 113,000. As a percentage of those eligible for union membership, the estimated representation rates are: clerical 40.4 percent; professional and technical 24.4 percent; blue collar 43.8 percent. All together, 34.0 percent of non-faculty employees in higher education are represented by bargaining agents, with agreements in place on 836 campuses nationally.

Public sector campuses are notably more likely to be unionized, with one or more non-faculty bargaining units present on 55.7 percent of public campuses compared to only 16.8 percent for private campuses. Bargaining is relatively concentrated geographically, with 94 percent of the campuses with bargaining units located in the Northeast, the Midwest, or the Pacific coast. Private sector unionization is even more concentrated, with 74 percent of white collar and 54 percent of blue collar units located in six Northeastern states: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

At least 50 different national unions represent non-faculty employees. Among white collar workers, six unions have accounted for much of the activity. The American Federation of State, County and Municipal Employees (AFSCME) has clerical units on 168 campuses, mixed white collar units on 57 campuses, and professional units on 27 campuses. The American Federation of Teachers (AFT) represents professionals on 59 campuses, mixed white collar groups on 52 campuses, and clericals on 32 campuses. The American Nurses Association (ANA) represents nurses at 96 colleges and universities. The Service Employees International Union (SEIU) bargains for mixed white collar units on 46 campuses, for clericals on 32 campuses, and for professionals on another 6. The National Education Association (NEA) has 27 clerical units, 15 mixed white collar units, and 14 professional units. The Office and Professional Employees International Union (OPEIU) represents clerical workers at 20 institutions.

Although these six national unions have staked some jurisdictional claim to clerical, technical, and professional employees in higher education, what is remarkable is the number of unions with strong organizing interest. In addition to these six, at least another dozen have devoted considerable resources to college and university organizing. For the white collar workers themselves, the parent union (and its broader reputation) is largely irrelevant. In fact, there seems to be more allegiance to other higher education union locals in the same geographic area than there is to the parent organization. The degree of cross union communication and support is unusual in comparison to other unionized segments of our society.

The Motivation to Unionize

Although there are differences among subgroups of university and college white collar employees in their attitudes towards unions and the type of unions they

form, there is considerable similarity in the motivation to unionize. The three basic objectives which underlie organizing initiatives are: (1) fair treatment and respect, (2) voice, (3) pay and benefits.

Concern for fair treatment is an issue on campuses where the administration has failed to keep promises it has made to its employees. Whether the broken promises relate to staffing, training, an in-house grievance procedure, the job classification system, or some other aspect of employment is not important. What matters is that the employees perceive that the administration has reneged on a promise or unilaterally changed an accepted mode of operation.

The closely related issue of respect is especially important for professionals, who often feel underappreciated in comparison to their faculty and management counterparts. Respect is also important to clerical and technical employees at prestigious institutions; these workers are typically well educated in comparison to their non-university counterparts, and have difficulty accepting their low status and invisibility.

Perhaps the most common motivation to organize is a perceived lack of voice. Institutions of higher education go to great lengths to establish democratic structures. Faculty and Student Senates and Assemblies are standard. On many campuses this form is extended to other employees and one or more staff councils are established. However, these employee councils are often treated as afterthoughts, and are seldom given a role that approaches that of the Faculty and Student Senates. The agenda and terms of debate are effectively set by the administration, and recommendations may be ignored or given only token responses.

The extent of powerlessness of non-faculty employees was unintentionally highlighted in a 1990 issue of *New Directions for Higher Education* devoted to the subject "Managing Change in Higher Education." Two of the articles specifically address the need for participation by stakeholders in order to achieve desired objectives. One article notes "If those who will be affected by an intended change are able to participate in its planning and implementation, their commitment to its success tends to increase."³ The author goes on to describe an approach to involve more effectively *faculty and administrators* in the process.

The second article adopts a broader perspective: "Each of these groups—governing boards, administrators, faculty, and students—is a stakeholder with vested interest in the organization... What is called for is a broadly participatory, representative, and consultative process..."⁴ The implication by omission is that non-faculty employees are not stakeholders who would be concerned about the institution. Because administrators frequently share the perspective of these authors (both university officials themselves), non-faculty employees usually are given no effective voice. For white collar workers this is a major concern, and lack of voice is often a powerful incentive to seek union representation.

Concern with pay and benefits, a factor which has historically been linked to blue collar unionization, is becoming increasingly important to white collar employees of colleges and universities. Most clericals now work out of economic necessity and have a long-term attachment to the labor force. This change from an earlier era when many women workers had a more tenuous short-term commitment has altered how clericals view their jobs, and has increased their concern for economic factors. Among professional employees, the majority of whom are

usually women as well, economic concerns are often expressed in terms of pay equity. This is most likely an issue if the institutions' blue collar employees are unionized or well paid.

Benefits are a major concern for clericals and professionals, especially health insurance. Unilateral reductions in health insurance coverage are common, and a source of much frustration. In some cases (depending on the demographics of the group) family benefits such as maternity leave and child care are important. Combine white collar employees' increasing concern for pay and benefits with the budgetary difficulties faced by most institutions of higher education in recent years, and the results are predictable. This situation has contributed to the unionization trend, and has been the overriding motivation in some instances.

Union Organizing Models

Colleges and universities offer attractive organizing targets for two reasons. First, employment is geographically stable. The institution will not relocate in response to unionization, and shifting "production" to a non-union facility is not usually an option. Second, there is freedom to communicate seldom found elsewhere in the world of employment. Workers can talk to each other on the job, organizers typically have access to campus, and universities have strong free speech traditions. These principles are so firmly entrenched that any management initiative to restrict communication or access quickly becomes an organizing issue.

In spite of these attractive characteristics, the general caution of the white collar workers themselves makes for a very slow organizing process. Clerical employees are likely to view unions as macho blue collar male institutions, possibly corrupt, and as third parties which may simply aggravate the situation. Clericals in higher education also shy away from the adversarialism associated with unions, and are fearful of strikes. They view workplace relationships as very important, and are concerned that if they openly support a union they may be ostracized by supervisors, professors, or co-workers.

Professional employees share the skepticism towards unions, and are equally disdainful of adversarialism and strikes. They are less likely than clericals to move beyond these barriers because of an added concern for prestige—unions and professionalism are often perceived as incompatible.

In spite of these reservations, white collar employees frequently decide to unionize. In some settings worker familiarity with unions through friends, relatives, or personal experience makes them more receptive. In other cases the presence of a faculty union facilitates organizing—clericals are less anxious about unions interfering with workplace relationships, and professionals' prestige worries diminish. Ultimately, organizing succeeds when workers' concerns for fair treatment, voice, or economic security are great enough to overcome their cautiousness about unions.

A grassroots organizing model has emerged which responds to the reservations of these workers and builds on the issues which matter to them. Workers who seek a voice in the workplace will demand a say in their union. A democratic member controlled local union will be much more appealing than a staff dominated third party agent which is selling bargaining and grievance handling services. The

essence of the grassroots model is to build a democratic structure during the organizing phase.

Under this model the workers themselves take control of and responsibility for the organizing campaign. The union staff organizer helps recruit a representative committee, then provides the committee with training and advice. The members of the committee actually do the organizing through one-on-one discussions with their co-workers. In fact, membership on the committee usually expands throughout the campaign, typically reaching 10 to 15 percent of the potential bargaining unit. This mass participation process is slow, but it demonstrates that the union is owned by the members; as a result it builds strong commitment.

Not all successful union organizing campaigns follow the grassroots model. There are occasional "hot shops" where workers are so frustrated by their situation that organizing proceeds quickly to a vote and certification. There are other cases where a grassroots model would be very cumbersome, especially with large multiple location public sector units such as statewide university systems. In these situations unions have modeled their organizing after electoral politics, using opinion research polling, targeted direct mail, telephone banks, campaign specific newspapers, and even radio and TV advertisements to reach their potential supporters.

But the grassroots model has emerged as the predominant approach. Unions built in this manner seldom go away. Even if an election is lost, the members regroup and keep organizing. In fact, it is common to win certification only after several years and two or three elections. Furthermore, the organizing approach ultimately defines the character of the union which results, as will be discussed in more detail below.

The Management Response to Union Organizing in Higher Education

Colleges and universities have three options when employees seek to organize a union: (1) facilitate the process, (2) remain neutral, or (3) oppose unionization.⁵ When faculty seek union representation, universities and colleges respond in a respectful manner no matter which option they choose. This reflects the central role of faculty in decision making and the general life of the institution. Organizing among blue collar workers often is accepted reluctantly as appropriate, even though formal opposition may be pursued. The most stringent anti-union campaigns are reserved for non-teaching white collar employees.

Facilitating union representation for clerical and professional employees is rare, but is occasionally the management response in the public sector. This stance may be motivated by a desire to gain an ally in lobbying the state legislature for funding, or it may simply reflect the administration's acceptance of the union for political or practical reasons.

The neutrality option is unusual as well. Although a public statement of neutrality may be issued, this is typically a mask for behind the scenes opposition. As with facilitation, genuine neutrality is most likely in public sector campaigns in those states where unions are strong and the Democratic Party controls both the state legislature and the Governor's office.

The most common response to clerical and professional organizing is opposition. In part, this opposition is based on emotion rather than a rational assessment.

University administrators experience “a variety of emotions ranging from trepidation to indignation to a sense of betrayal.”⁶ Labor historian David Montgomery’s description of University President Bartlett Giamatti’s attitude towards Yale’s clerical and technical union is representative: “He saw himself as an enlightened administrator who could work things out with anyone, so he took the organizing drive as an insult to him personally.”⁷

Unfortunately, in some cases opposition to unions reflects personal prejudices towards the workers themselves. In an interview conducted months after a union had won representation rights and a contract for clerical and technical workers at a major university, the director of labor relations disparaged the rank and file activists involved in the union. He described them as “a hard core radical group of female blue collar workers who call themselves professionals but are the antithesis.” He went on to decry their “limited education and sophistication,” and he explained their “sense of alienation” by noting that “they are disproportionately single, divorced, or single parents, they are not very attractive and they have been dumped on by men.” He described local union leaders’ demeanor in negotiations as “desperate and shrill.” Not surprisingly, this administrator expressed regret that the university had not “crushed them” with a “bare knuckles campaign.”⁸

There are of course logical explanations as well for university opposition to white collar unions. The most common rationale is a concern that these unions will mirror the adversarial stance normally associated with their blue collar counterparts, and that the rule based collective bargaining agreements common in the U.S. will serve as models to be emulated in higher education. There is also a concern that the administration may lose control of the organization of work. As described by Joan Geetter in an earlier volume published by the College and University Personnel Association, “Under a union, the employee cap pistol [is] replaced by a gun with real bullets, the ammunition of the bargaining relationship.”⁹

In some cases, opposition is tempered with kind words for unions in other settings. For example, consider Harvard University President Derek Bok’s explanation for his opposition to the Harvard Union of Clerical and Technical Workers:

“[Unions are] a good thing for America and for working people ... However, I am not at all persuaded in this case that union representation and collective bargaining will improve the working environment at Harvard ... [unions have] resisted efforts to allow supervisors and employees to vary the way they work in response to their special needs and capabilities.”¹⁰

The essential message is that unions have no place on campus, and the administration should “tear down” anything a union achieves.¹¹

Although the basis for opposition may vary, colleges and universities have fashioned a campaign strategy which recurs in a variety of settings. The general approach is remarkably similar to that recommended at “union avoidance” seminars by management consulting firms expert at defeating organizing drives in the for-profit private sector. The formula is a simple one. The administration expresses dismay at the employees’ discontent, and promises to resolve problems and improve conditions without a third party if given a chance. The college or university president writes letters to employees expressing reservations about

unions; the letters typically declare that unions will create an adversarial environment and may take the workers out on strike.

Supervisors are trained to assist management's campaign by monitoring the situation and holding one-on-one or small group meetings with workers to discuss the disadvantages of unions. Meanwhile, legal challenges and appeals are filed at every possible stage to frustrate the organizing effort and give the administration time to wage its own campaign. In some cases, union access to campus and to in-house communication systems is restricted or barred.

The special flavor of union resistance in higher education comes in style not substance. Management's case is presented as "information" to help employees reach a decision, with an educational tone designed to contrast with the union's "more emotional" appeal. Formation of an employee group in opposition to the union is supported behind the scenes, and debate between this "independent" group and the union is promoted. News reporters familiar with more blatant anti-union behavior by other employers have referred to this approach as "the velvet scalpel" and "a sophisticated style of labor bashing."¹²

Collective Bargaining Relationships

The certification of a bargaining agent for a college or university's white collar employees does not lead inevitably to a specific type of bargaining relationship. There is a wide range of possibilities. On one extreme are the adversarial cases envisioned by management and vividly portrayed in the typical union resistance campaign. Bargaining is characterized by displays of animosity, the union stages strikes to gain its objectives, and the two sides fight over grievances during the life of the contract. The contract itself is rule based, strives for uniformity, and clearly delineates the jobs and responsibilities of union members and their representatives on the one hand and management on the other.

At the other extreme are the cases of cooperation which can result only when both sides agree to rise above their differences. Bargaining is integrative with the union and the administration seeking common ground and focusing on issues of potential mutual benefit. The contract is flexible, providing for joint problem solving and establishing mechanisms for employee involvement in decision making.

Given their reticence towards unions and fear of strikes, one might think that university clerical, technical, and professional employees would prefer congenial relations with the administration once unionized. Although there is some truth to this, there is another factor at work here. The decision to join a union is a particularly difficult one for these workers, but once that decision is reached, commitment to it is unusually resolute. The tenacity of these unions should not be underestimated. Because of management's vigorous opposition to most organizing campaigns, initial relations are likely to be acrimonious. In fact, unionized non-teaching white collar employees in higher education are much more likely to strike than their faculty counterparts.¹³

The connection between the tone set during a campaign for union recognition and the type of bargaining relationship which emerges was emphasized by John Stepp at a 1990 conference on "Collective Bargaining in Higher Education."

Stepp, Deputy Undersecretary of Labor during the Reagan and Bush administrations, noted that:

“[If] the union can only exist after it has engaged the employer in a holy war and won, [this] sets in motion a whole set of dysfunctional and destructive kinds of behaviors...”¹⁴

On most campuses, antagonism gives way to accommodation with the passage of time as a more mature relationship develops. For instance, consider the evolution of relations between Yale University and Local 34 of the Federation of University Employees which represents clerical and technical employees. After losing an aggressive campaign to defeat Local 34's organizing drive, the Yale administration escalated the conflict by hiring a notorious anti-union law firm to negotiate the first contract. The predictable result was a ten-week strike which disrupted the university for most of the 1984 fall semester.¹⁵

Nine years later, Director of Labor Relations Donald Stevens observes, “It's gotten much better. Both sides have learned to live with one another in a way that still supports the educational and research mission of the university.” Lucille Dickens, President of Local 34 concurs: “The climate is changing. I think people are starting to realize that we're not just a bunch of greedy deadwood malcontents. They've had enough time to see that a union can be a progressive, helpful, productive thing.”¹⁶

In order to facilitate the maturing of the bargaining relationship, Taylor Alderman recommends to fellow university administrators, “... make your own personal peace, if necessary, with the fact that you must now deal with a unionized staff. There are far worse fates.”¹⁷ A positive attitude towards the union can reap dividends, as pointed out by David Figuli: “With understanding and experience, collective bargaining can reasonably be viewed by managers as simply an alternative methodology of structuring employer-employee relations ... [and] an effective tool for increasing communication and goodwill between a higher education employer and its employees.”¹⁸

Administrators who heed Alderman's advice and share Figuli's vision usually find that unions of clerical, technical, and professional employees respond enthusiastically when offered a genuine opportunity to work jointly with management. Recall the type of union which appeals to these workers—member controlled democratic local unions characterized by significant grassroots involvement. Also recall that central to most successful organizing campaigns are concerns with fair treatment, respect, and employee voice. These workers want to be involved in their union *and* contribute to the success of the college or university where they are employed. It should not be surprising that their unions readily abandon traditional adversarial unionism and rule based contracts in those cases where legitimate employee involvement in decision making is possible.

One reflection of the rejection of certain aspects of traditional unionism is the flexibility of most contracts. These workers value the informal relations which exist in most campus offices, and do not want to punch time clocks or be bound by restrictive job descriptions or work rules. Even at Yale the initial contract which was produced by hostile negotiations protected flexibility, as noted by Associate Vice President for Human Resources Linda Lorimer, “As it turned out, neither

party wanted unnecessary uniformity; thus there is no 'least common denominator' principle in the contract involving working rules."¹⁹

More important than the absence of rigid rules is the presence of formal structures for employee involvement in decision making. Such plans are common, though the specific structures and extent of involvement vary. For example, the contract between the University of Cincinnati and District 925 of the Service Employees International Union establishes three joint task forces each dealing with a specific issue (health and safety, reclassification, insurance benefits). At Harvard, the university's contract with the Harvard Union of Clerical and Technical Workers provides for more extensive involvement, with Joint Councils established in each of 27 schools and administrative units. The Harvard contract also replaces the standard grievance procedure with a series of labor-management Problem Solving Teams which are given broad latitude to resolve workplace difficulties.²⁰

The Harvard model has been referred to as a "principle-based" or "partnership" contract. Certainly universities and colleges whose non-teaching white collar employees choose to form unions can benefit from embracing the partnership approach rather than maintaining an adversarial posture. These workers legitimately want to participate in decisions which affect them. Their choice to unionize is not a reflection of animosity towards specific administrators or the institution. To the contrary, they will welcome the opportunity to use their intimate knowledge of how the college or university functions to help make it a better place. Consider the opinion of Thomas Schmitt Associate Dean of the Harvard Medical School, as related to a recent conference on the "New Industrial Relations Order:" "We're better off with a union than before. It has forced us to do a lot of things we should have done a long time ago."²¹

Concluding Observations

The local unions constructed by university clerical, technical, and professional employees do not fit the stereotype of the normal U.S. labor organization. They tend to be progressive, open both to new strategies for building union power and to new approaches to labor-management relations. They are neither burdened by the traditions of adversarial unionism nor tied to standard rule-based contracts.

Most of the new unionists are women who have pursued this option only after careful consideration. Their objective is not to cause trouble, but to gain some measure of dignity and respect. They seek fair treatment and desire a voice in decisions which affect them. Perhaps most important, they are proud to be involved in higher education and want to contribute to the success of the institutions where they work.

In this context, the intensity of opposition to union organizing by college or university administrators is troubling. Organizing reflects an underlying concern among the workers which will not go away simply because the university has defeated the union. If in an effort to preserve non-union status the administration wages "holy war" or a "bare knuckles campaign," even in the form of "sophisticated labor bashing," the impact on the atmosphere on campus and the morale of employees can be dramatic.

If the college or university wages an aggressive campaign and loses, an undesirable impact on bargaining is all but inevitable. Both the union leaders and individual campus administrators will be locked into a confrontational mentality, and establishing trust will be extremely difficult. It may take years and several contracts to achieve a productive working relationship.

Even if the college or university succeeds in defeating the union, its problems are not solved. In his book on collective bargaining in higher education, Taylor Alderman relates a story about a college which had implemented an aggressive avoidance campaign and defeated a faculty effort to organize a union. In the aftermath, the college lost "bright young faculty apparently uninvolved in the union," senior faculty active in the campaign were bitter, and a sense of malaise prevailed on campus. Upon hearing administrators from the college describe their woes, an experienced university negotiator commented, "They have killed the songbird, and now they are unhappy with the silence."²²

The effect on clerical, technical, and professional employees of organizing campaigns which fail in the face of a management onslaught can be just as significant. There is an important difference however. Clerical, technical, and professional employees are less likely than faculty to sulk—they do not have the option of retreating into their research or classrooms. Typically the core group stays together, a low level of activity continues, and when the administration makes a mistake or the time is otherwise ripe, a new attempt to gain recognition is launched.

There are three important lessons for college and university administrators from the recent organizing and bargaining experiences summarized in this essay.

1. *Clerical, technical, and professional employees in higher education feel disenfranchised.* They form unions to gain an independent source of power. As Charles Heckscher observed in a speech on "Universities and the New Unionism," "You cannot trust in trust alone . . . a relationship based on unequal power is usually unstable."²³ Without an independent source of power such as that offered by collective bargaining, the concerns of non-teaching white collar employees are often overlooked as the administration responds to the more obvious interests of faculty and students.
2. *Colleges and universities which face an organizing campaign among clerical, technical, or professional employees should consider seriously the option of neutrality.* By adopting a position of genuine neutrality the administration conveys respect for the employees' legal rights and their competence to make an independent choice. If the organizing campaign fails, the university will be well situated to bring people together to address the issues which gave rise to the effort. If the campaign succeeds, the college or university will be in a position to pursue a productive integrative bargaining relationship.

Neutrality does not mean that the administration must remain silent. It would be quite appropriate to make available a representative set of collective bargaining agreements covering similar employees in higher education. It also would be reasonable to correct any inaccuracies in materials distributed by the union. It even would be consistent with neutrality to express reservations about adversarial, rule based relationships.

The essence of a neutrality position is to assure the fairness of the process. The administration should refrain from distributing disinformation about the union (e.g., presenting as representative selective clauses from blue collar union contracts which limit flexibility). It should also grant the union equal access to the workers and to the campus communication system. And, the university should agree to an expedited process to assure that workers have an early opportunity to express their choices regarding union representation.

3. *Universities and colleges can benefit from bargaining partnerships with their white collar unions.* Collective bargaining need not be adversarial. College and university clerical, technical, and professional employees have been particularly receptive to innovative models of labor management relationships. Employee involvement programs and other forms of jointness contribute to employee morale and hold great promise as vehicles to improve productivity and quality.

Wayne Horvitz, a respected arbitrator and former national president of the Industrial Relations Research Association, recently noted that in the United States, “. . . management’s view . . . is distorted and often driven by a deeply ingrained animus toward the role of unions in our private and public enterprises. This fact limits management’s ability to assess, objectively, any role for unions in planning their agenda.”²⁴ Administrators in higher education should consider the narrowness of this outlook when evaluating their own position towards unions.

Colleges and universities always have strived for higher standards of fairness and equity than society at large. Free speech, tolerance and diversity are hallmarks of the college community. Consistent with these values, institutions of higher education should be receptive to efforts by clerical, technical, and professional employees to pursue concerted action and gain an independent voice.

University and college human resource managers have an opportunity to lead the way within their profession. The new unions of clerical, technical, and professional employees are ready to experiment with innovative forms of representation. Where administrators share this vision, partnerships can be joined and mutual gains can be pursued. Where these integrative relationships are achieved, institutions of higher education will serve as laboratories for the new industrial relations order.

Notes

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