EDUCATION INTERNATIONAL

The Status of Higher Education Teaching Personnel in Australia, Canada, New Zealand, the United Kingdom, and the United States

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Table of Contents

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1. Summary and Overview

This study examines recent trends in the salaries, working conditions, and rights of academic staff in Australia, Canada, New Zealand, the United Kingdom, and the United States. It begins by providing a summary and overview of some of the major trends across the nations under study. This is followed by more detailed analyses of the status of faculty in each country.

The main findings of the study include the following:

- In most countries, public funding for higher education has declined sharply over the past decade. While modest increases in spending are now being recorded in several countries, higher education institutions are more dependent today upon private financing than at any time in the recent past. Such private funding comes primarily in the form of tuition fees and private research contracts.

- Increased accountability and performance assessments are subjecting academic staff to more and more intrusive bureaucratic control and oversight. This is weakening academic autonomy and undermining traditional collegial governance structures.

- Academic salaries in most countries have experienced a long-term decline. There is some sign, however, that compensation levels have been recovering recently, particularly in Australia and the United Kingdom.

- Women academics remain seriously under-represented and under-paid compared to their male colleagues. The gender gap is most pronounced within the most senior academic ranks.

- The casualization of the academic workforce has been one of the most significant trends over the past decade. Left unchecked, the increasing use of fixed-term and part-time appointments will steadily undermine the tenure system and fundamentally weaken academic freedom.

- Increased student enrolments have not been accompanied by a comparable growth in full-time faculty appointments. Student/faculty ratios have risen sharply, raising concerns about rising faculty workloads and work-related stress.

- Collective bargaining and trade union rights remain precarious in several of the countries under study. In the United States, political and legal roadblocks prevent many academic staff from forming and joining unions. In Australia, the government recently enacted controversial reforms to university workplace relations that clearly violate internationally recognized rights of staff to organize and bargain collectively.

- Governments and administrators have attempted to weaken the tenure system in most countries. However, the most serious threat to tenure at the present time is the rapidly rising number of faculty employed off the tenure track.

- Academic freedom is generally respected in most of the countries under study, but there are emerging issues that raise concern. In particular, the increasing commercialization of universities is seen in many countries to have compromised the independence of academic staff and the integrity of their work. There are also concerns that political intrusion into academic affairs is on the rise. In the United States, a number of disturbing incidents related to the "war on terrorism" raise serious questions about the state of academic freedom.

Trends in financing

The higher education systems in the Anglo-American countries under review are extraordinarily diverse. Some, like Canada and the United Kingdom, are predominately public systems supported primarily, although not exclusively, by government grants. The main universities in New Zealand and Australia remain nominally public, but are far more dependent upon private sources of financing, mainly in the form of tuition fees. Higher education in the United States is a mixed system where public, private non-profit and private for-profit institutions coexist and compete with one another.

Figure 1.1 shows the share of public and private spending on tertiary education in four of the countries under study (data for New Zealand is not available). As illustrated, higher education institutions in the United States are the most reliant upon private financing, while institutions in the UK receive a comparatively greater share of funding from public sources.[1] In all cases, however, private expenditures make up a larger portion of total higher education spending than the average for the OECD countries.

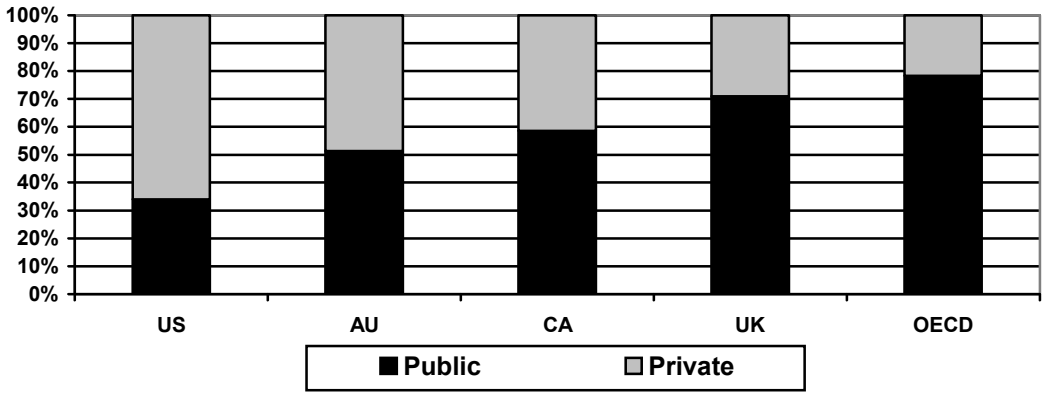
In almost all countries the trend in the last decade has been one of stagnant or declining public funding and increasing levels of private financing, primarily in the form of rising student fees and private bequests, donations and contracts.

- In Australia, universities received about 13% less per student in public funding in 2003 than they did in 1996. Commonwealth grant funding as a share of all university revenues fell sharply from nearly 60% in 1995 to about 40% in 2003.

- In Canada, the share of university operating revenues received from government sources fell from 82% in 1983 to just below 60% in 2003. The share of revenues from tuition rose from 13% to 29%. University operating grants measured in constant dollars and per full-time equivalent student fell by 18% between 1989 and 2002.

[1] However, the situation in the UK is about to change with the higher education reforms enacted last year. In particular, the introduction of student "top-up" fees will drastically increase the share of revenues universities receive from private sources.

Figure 1.1: Proportion of public and private expenditures on tertiary educational institutions, 2001



Source: OECD Education at a Glance; Data for NZ not available

- Adjusted for inflation, New Zealand's funding per domestic equivalent full-time student has declined 29% since 1989. In 1991, government grants made up 73% of total operating revenues of universities. By 2002, that had fallen to just 42%. Tuition fee revenues rose from 14% to 29% over this period.

- The UK government has slowly increased public funding in recent years, but overall the higher education system is quickly shifting toward a user-pay financing model. Following the reintroduction of student fees in 1998, legislation introduced in 2004 will enable universities to charge so-called "top-up fees" to students.

- In the United States, state and local support for higher education on a per-student basis remained unchanged in constant dollars between 1992 and 2002. Federal and state appropriations for public institutions fell from about 47% of total revenues in 1980/81, to 33% in 2000/01. Tuition fees rose from 12.9% to 18.1% of total revenues over this period.

Increased bureaucratic control

The decline of public funding, paradoxically, has been accompanied by greater government oversight and management. New Zealand and Australia have instituted extensive policies of performance-based assessments. Universities in the United Kingdom, traditionally decentralized and largely autonomous from government, have become more and more tightly controlled and subject to increasing degrees of bureaucratic oversight and interference. Today, teaching and research are regularly subject to assessment based on externally imposed performance indicators. Several Canadian provinces and many American states have also imposed performance indicators on higher education institutions.

Justified on the grounds of ensuring universities operate more efficiently and are more responsive to economic change, performance assessments are in fact more often than not simply attempts to gain control over and reshape the work that academic staff perform. Invariably, the goal is not to improve educational practice, but to force externally driven changes in teaching and research.

Academic Staff Salaries

International comparisons of academic salaries are extremely difficult to undertake because of the wide variations in the structure of remuneration systems and in the different grades or ranks of academic staff in each country. Efforts to develop salary comparisons between countries have emerged only recently.

The most extensive survey is done annually by the Association of Commonwealth Universities (ACU). This study compares academic salaries in Hong Kong, Singapore, South Africa, United Kingdom, Australia, Canada and New Zealand. The survey converts local currencies into US dollars and then adjusts for purchasing power parity using OECD and World Bank figures and, more recently, the Big Mac Index.

There are significant limitations to the ACU study, however. It is based upon a relatively small sample size of institutions and does not compare average salaries. It does not include any data from the United States. As well, the recent use of the "Big Mac Index" to account for differences in purchasing power is questionable. The index, developed by comparing the price of a Macdonald's hamburger in different countries is a simplistic and imprecise measure of relative purchasing power.[2]

The analysis presented in Table 1.1 attempts to overcome some of these limitations by comparing average salaries by rank[3]. Even this, however, presents problems since there are no available data on average salaries for Australia or New Zealand. In the case of these countries, the data presented represent midpoints on the scale and should therefore be read with caution.

Salaries are compared according to the OECD's Comparative Price Level (CPL) index. This index is more relevant than the Big Mac Index or even the OECD's Purchasing Power Parity (PPP) index. The latter is derived based upon total GDP expenditure. The CPL, on the other hand, is based upon relative differences in private consumption expenditure. It provides a rough estimate of the amount of a common currency required to purchase the same basket of goods and services in different countries. It is therefore a better representation of an employer's relative cost of living than PPP or the Big Mac Index.

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[2] See Philip A. Stevens, "Academic salaries in the UK and US," *National Institute Economic Review*, n.190 (October, 2004), p. 106.

[3] Categories of academic staff differ from one country to another. The table groups categories, where applicable, to the comparable ranks in other countries. Also, salary comparisons are made amongst similar types of institutions. In the UK, the pre-92 or the older traditional universities are used as the relevant comparator.

To achieve the CPL figures, salaries by equivalent ranks or grades are converted from national currencies to US dollars based on the average exchange rate for 2003. CPL indices for 2003 provided by the OECD are used to adjust the US-dollar equivalent salaries into comparable purchasing power.

It is important to note that the comparisons presented are not precise and any minor differences should be read carefully. In addition, as noted above, the salaries for Australia and New Zealand are not strictly comparable to that presented for the other countries. Despite these caveats, the results provide a broad indication of the salary levels in the different countries.

What is striking is that with the notable exception of New Zealand, CPL salaries for ranks up to associate professor are not widely divergent between countries. Salaries tend to be a bit higher in Canada at the lower and middle ranks but there is little difference with the US at the top rank of professor. UK salaries are competitive with the US and Canada at the lecturer rank, but salaries at Canadian institutions and at private American institutions at the most senior rank are about 7% higher. Australian salaries below the rank of professor are quite comparable to other salaries. The clear outlier is New Zealand where salaries at the three lowest ranks are significantly below that of the rest of the Anglo-American world.[4]

Recent trends in academic salaries

Most countries have witnessed a long-term decline in real academic salaries.

- An Australian professor's salary, adjusted for inflation, fell 12% between 1977 and 2002.

- Canadian salaries fell in real terms over the course of the 1990s before recovering modestly since 2000.

- When adjusted for inflation, the earnings of all academic staff in the UK increased just 6.6% between 1994 and 2003. This is about 6 points behind the average increase in the public sector and well behind increases enjoyed by other comparable professions.

However, in more recent years, some countries have experienced strong growth in academic staff salaries.

[4] At the rank of professor, the salary numbers presented for Australia and New Zealand are not comparable to the other countries. Salaries recorded here represent the minimum scale for the rank. Nevertheless, it is worth highlighting that New Zealand lags behind Australia in base salaries for full professors by about 20%.

Table 1.1: Average academic salaries by rank, 2003, National Currencies and Comparative Price Level Index ($US)												
	Australia*		Canada		New Zealand*		United Kingdom (pre 92)		United States (public 4-year)		United States (private 4-year)	
	$A	$CPL	$C	$CPL	$NZ	$CPL	£UK	$CPL	$US	$CPL	$US	$CPL
Associate Lecturer/ Lecturer A	$46,657	$34,428	--	--	$41,394	$28,149	£24,115	$37,888	--	--	--	--
Lecturer/ Lecturer B	$61,256	$45,201	$64,886	$53,892	$55,924	$38,031	£32,367	$50,853	$42,627	$42,627	$47,643	$47,643
Assistant Professor/ Senior Lecturer	$73,706	$54,387	$69,886	$58,045	$73,963	$50,298	--	--	$52,626	$52,626	$52,098	$52,098
Associate Prof./ Senior Lecturer/Reader (UK)	$86,462	$63,800	$87,509	$72,682	$88,335	$60,071	£39,833	$62,583	$62,545	$62,545	$62,894	$62,894
Professor	*$105,375*	*$77,756*	$109,258	$90,746	*$95,163*	*$64,715*	£53,774	$84,486	$85,843	$85,843	$91,439	$91,439

Sources: Association of Commonwealth Universities; Statistics Canada; Association of University Teachers (UK); US Department of Education; OECD.
Notes: Salary data for Australia and New Zealand are middle scales for all ranks except professor (minimum scale). Data for other countries is average salaries. Comparative Price Level indices are from the OECD.
** Salaries for Australia and New Zealand are mid-scale, except for professor which is minimum.*

Average US dollar exchange rates for 2003:

Australia	*1.540*
Canada	*1.400*
New Zealand	*1.730*
UK	*0.612*

OECD Comparative Price Levels for 2003:

Australia	*0.880*
Canada	*0.860*
New Zealand	*0.850*
UK	*1.040*
US	*1.000*

- When adjusted for inflation, salaries rose between 12% and 18% amongst different ranks in the United States between 1992 and 2003. However, average salaries in public institutions have seen no growth since 2001.

- In Australia, scale increases for all ranks increased between 7% and 11% between 2001 and 2004.

- Academic salaries in the UK have jumped between 14% and 22% since 1995.

Much slower growth in salaries was experienced in Canada and New Zealand. In Canada, salaries for full professors rose just 4% between 1992 and 2003. In New Zealand, recent scale increases have been less than 3% in real terms.

Gender inequities

In all the countries under study, women remain seriously under-represented in the academic world, particularly at the most senior academic ranks. They are also consistently paid significantly less than their male colleagues.

While the number of women academics has increased in all countries in recent years, the academic workforce remains dominated by men (table 1.2). The representation of women in academic jobs ranges from a low of less than 32% in Canada to over 39% in the United States.

Table 1.2: Percentage distribution of full-time faculty by gender and country, 2003

	Australia	Canada	New Zealand	United Kingdom	United States
Men	64.0%	68.3%	63.4%	64.9%	60.6%
Women	36.0%	31.7%	36.6%	35.1%	39.4%

The general picture of the overall distribution of women, however, masks even more striking differences between ranks and status of appointment. Women are far more seriously under-represented in the most senior academic ranks and are more likely to hold part-time and fixed-term appointments.

- In New Zealand, women make up about 50% of part-time academic staff, but only 14% of full professors.

- Above the level of Senior Lecturer in Australia, women hold less than 20% of the appointments. By contrast, women make up more than 55% of all casual academic staff.

- Just 18% of full professors in Canada are women. Over 70% of full-time male faculty have tenure, compared to 40% for women.

- In the UK, only 13% of academic staff at the rank of professor are women. More than a quarter of all women academics are employed part-time, compared to 13% of all men.

- Twenty-eight per cent of full professors in the United States are women. Women make up just over 39% of all full-time faculty, but account for 48% of part-time appointments.

Women academics on average also earn significantly less than their male colleagues. The gender pay gap ranges from 13.4% in Canada and 14.9% in the United Kingdom to 20.4% in public institutions in the United States.

Increasing use of contingent faculty

In all countries, the increasing use of part-time and non-tenure track faculty has been one of the most noticeable trends over the past decade.

- In the United States, more than 62% of all faculty are now employed either on a non-tenure track or part-time basis. Part-time appointments accounted for 46% of all faculty in 2003, up from 41% in 1993.

- In Australia, the number of academic staff employed on a part-time basis as a share of total academic employment rose from just over 9% in 1990 to nearly 20% by 2001.

- In 1995-96, nearly 15,000 UK academics were employed on a part-time basis, or about 12% of the total. By 2002-03, that number rose to more than 25,000 or nearly 18% of the total number of academics.

- In New Zealand, about 39% of faculty are employed on a part-time basis, although this number has actually declined modestly in recent years. The Association of University Staff (AUS) estimates that non-tenured or fixed term appointments amount to 25% to 30% of the total number of full-time academic staff.

- In Canada, there are no definitive statistics available on the number of part-time and non-permanent positions. However, estimates provided by Statistics Canada indicate a sharp rise in the number of part-time positions over the course of the 1990s.

Governments in New Zealand and the United Kingdom have recently begun to address the problem of the overuse of fixed-term contracts. Employment legislation in New Zealand now encourages the movement of staff on fixed terms into permanent positions by requiring employers to provide a genuine reason for hiring an individual on a fixed term contract.

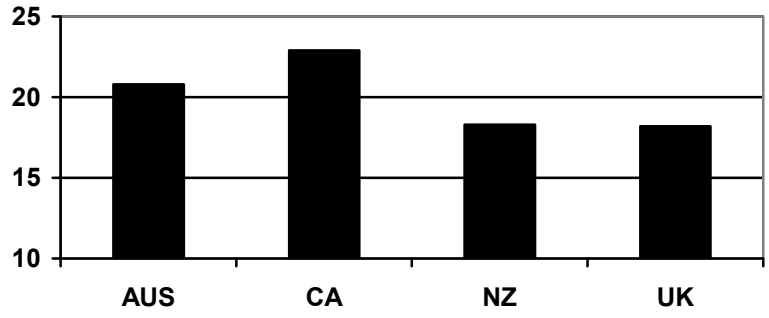
The UK government, obliged by a European Union directive to improve the status of fixed-term employees, enacted regulations in 2002 that attempt to ensure that fixed-term employees are treated equally with permanent employees. The rules also allow for an employee on a fixed-term contract that is renewed or extended to become permanent after four years. However, movement to a permanent contract is not automatic.

Rising Student/Faculty Ratios

In contrast to the rise in contingent employment, the growth in the number of full-time academic staff has been extremely modest in most countries. In all cases, rising student enrolments have not been matched by commensurate increases in full-time academic staff. As a consequence, student faculty ratios have risen sharply in recent years.

As illustrated in figure 1.2, the ratio of full-time faculty to equivalent full-time students is highest in Canada and Australia. New Zealand and the United Kingdom have comparatively lower student-faculty ratios.

Figure 1.2: Ratio of full-time faculty to full-time equivalent students



Figures for US not available

Increased workloads and stress

Rising student/faculty ratios is one reason why stress is now one of the most significant health and safety issues for academic staff.

- It is estimated that academic staff in Australia work an average of about 53 hours per week. A study of workplace stress found that 83% of academic staff said there has been an increase in their workload since 1991.[5]

- A similar survey of academic staff conducted in the UK in 2004 found that half of the respondents reported borderline levels of psychological distress. Almost one-

[5] G. McConville and C. Allport, *Unhealthy Places of Learning: Working in Australian Universities* (Melbourne: NTEU, 2000).

half said that their workloads were unmanageable. One key factor adding to the burden of work was the growing pressure to bring in research funding.[6]

Collective bargaining and trade union rights

Collective bargaining and trade union rights for academic staff remain limited in several countries.

- In the United States, a Supreme Court ruling found that faculty at a private institution (Yeshiva) are "managers' and are therefore excluded from coverage under the National Labor Relations Act (NLRA). The decision has made it difficult to organize faculty at other private institutions. In addition, many states prohibit academic staff in public institutions from forming or joining unions.

- In the Canadian province of Ontario, the labour code prevents part-time community college instructors from joining a union.

In New Zealand, new labour legislation introduced in 2000 has restored some basic rights that were undermined by the *Employment Contracts Act*. In the UK, the *Employment Relations Act of 2004* strengthens the ability of unions to organize new members. The legislation outlines measures to prevent the intimidation of workers during recognition ballots. It also increases the protections against the dismissal of employees engaged in legal strike actions and allows unions to communicate with workers at an earlier stage in the process of union recognition.

In other countries, however, there are disturbing signs that collective bargaining rights are being pushed back:

- A recent labour board ruling in the United States prevents graduate student employees from forming or joining unions.

- In Canada, the province of British Columbia has attempted to over-ride collective bargaining agreements between college faculty and their employers.

- In Australia, the Commonwealth government has initiated a serious attack on the collective bargaining rights of academic staff. The Higher Education Workplace Relations Requirements (HEWRR), introduced in 2005, require universities to offer individual contracts to academic staff that will override existing collective agreements. In addition the HEWRR require that institutions not encourage or support union membership, and that collective agreements must not place limits on the number of part-time and fixed-term appointments. This is clearly in violation of ILO conventions and of internationally accepted labour rights.

[6] Gail Kinman and Fiona Jones, *Working to the Limit: Stress and work-life balance in academic and academic-related employees in the UK* (London: Association of University Teachers, 2004).

Tenure and academic freedom

Tenure exists in all the countries under study, although in many cases administrators and government officials are challenging traditional definitions of tenure.

- The 1990s witnessed a number of attacks on the tenure system in the United States. A number of minor institutions have eliminated or limited the tenure system. Several states now have "post-tenure" review processes in place. However, faculty unions have by and large been successful in negotiating procedures that ensure these reviews are not simply a convenient way for administrators to reverse a tenure decision.

- In the United Kingdom, the Thatcher government abolished traditional tenure in 1988 by providing for dismissals on the basis of redundancy. However, this weakening of tenure has to date had relatively little impact on staff in the pre-92 universities. Dismissals on grounds of redundancy have been extremely rare.

- The increasingly private and commercial nature of universities has come into conflict with principles of academic freedom and tenure. In New Zealand, some administrators have argued that criticizing the institution hurts its "brand name" and academic staff should therefore be prohibited from doing so.

Academic freedom rights are guaranteed in different ways in the countries under study. In New Zealand and the United Kingdom, academic freedom has force in legislation. In Australia and Canada, academic freedom is covered largely by collective agreements and institutional policies. In the United States, academic freedom is governed in part by free speech rights under the U.S. Constitution and by a combination of state and institutional codes, policies, and agreements.

On the whole, academic freedom is commonly recognized and respected as an important right of academic staff in all five countries. Nevertheless, specific threats to academic freedom remain.

- One of the main threats stems from the increasing use of contingent academic labour. Those hired on limited terms have no tenure and no job security. Far more than tenured faculty, they have reasons to act cautiously for fear that their appointments may not be renewed.

- The privatization and commercialization of universities and university research is eroding academic freedom. Market-driven universities see students primarily as customers and academic staff as employees who must be managed efficiently. In this context, there is often little or no freedom for professors to determine the content of their teaching and the direction of their research.

- The increasing privatization of research funding can undermine academic freedom. Industrial sponsors often impose long delays on the publication of research findings. In several high profile cases, private sponsors have attempted to suppress research results that could be potentially damaging.

- In several countries, there is a disturbing trend toward increased government intervention and control over universities. In the United States, Republican lawmakers are championing the "Academic Bill of Rights" that would require universities to be more politically "balanced" in terms of who they hire and what they teach in the classrooms. In other countries, government control comes in the form of the application of performance indicators and quality assurance and research assessments. These initiatives are subjecting academic staff to more and more intrusive bureaucratic control and oversight.

- Recent concerns about academic freedom have been raised in the context of the "war on terrorism." Following the terrorist attacks on the United States in 2001, a number of faculty who voiced unpopular opinions about American foreign policy faced threats of recrimination from administrators and lawmakers. Many countries also adopted sweeping anti-terrorism legislation that has given police and security agencies unprecedented powers. This threatens to compromise fundamental civil liberties as well as academic freedom.

Conclusion

In the Anglo-American world, academic staff are facing unprecedented challenges. Working conditions and salaries have experienced a long-term deterioration. There have been sweeping changes in the nature of appointments, with an explosion in the number of non-tenured and part-time positions. The funding and management of higher education institutions is being dramatically reformed, resulting in increased commercialization and tightening bureaucratic control. In the process, the academic profession is being transformed. More and more faculty today have less professional autonomy, less secure employment, and less academic freedom.

The erosion of the employment and working conditions of academic staff has enormous implications for the very nature of higher education itself. Faculty, after all, lie at the very heart of the academic mission. Without a talented and committed corps of academic staff, effective teaching, scholarship and learning simply cannot occur. Ironically, just as the importance of higher education is becoming increasingly recognized around the world, the academic profession is falling under greater pressure.

Turning back this tide of casualization and de-professionalization will require concerted and sustained efforts at both the national and international level. Clearly, faculty unions need to devote more resources to organizing part-time and contract staff. By bargaining fair salaries and improved working conditions for contract staff, unions can begin to remove some of the economic incentives that make fixed-term employment so attractive to employers.

Beyond this, other bargaining and political strategies should be considered. For example, some unions in Canada and Australia have recently negotiated strong complement language that places caps on the number of contract staff employers can hire. At the political level, academic staff unions should press more aggressively for changes to labour legislation to provide more rights – including the right to organize and bargain collectively – to contract employees.

In addition, academic staff and their unions need to take a collective stand against the commercialization of higher education. Governments must be pressed to provide greater funding for higher education while fully respecting the autonomy of institutions. Across the academic world today, the privatization of financing and the creeping commercialization of research and teaching is undermining academic freedom and distorting the academic mission. Many university and college administrators have been complicit in this. It now falls upon academic staff to defend and promote the public service values that should be at the core of the mission of every great higher education institution.

Finally, faculty unions worldwide need to assess and respond to the threats posed to academic freedom in a post-9/11 world. This is an issue that transcends borders. Governments everywhere are enacting anti-terrorism legislation that threatens the basic civil liberties without which academic freedom simply cannot flourish. Faculty have both the duty and responsibility to take the lead in defending these fundamental democratic rights.

2. Australia

Table 2.1: Selected economic and social indicators, Australia		
	Value	**Year**
Population	20,111,300	2004
GDP per capita ($US PPP)*	$30,100	2003
Male life expectancy at birth (years)	77.4	2002
Female life expectancy at birth (years)	82.6	2002
Unemployment rate	5.5%	2004
Inflation rate	2.4%	2004
Unionization rate	23.0%	2003
Public spending on tertiary education institutions (% of GDP)	0.8%	2001
Private spending on tertiary education institutions (% of GDP)	0.7%	2001
Tertiary participation rate (% of 25 to 34-year old population)	31%	2002

**Converted to US dollars using OECD purchasing power parity (PPP) index.*
Sources: Australian Bureau of Statistics; OECD.

Overview

Higher education in Australia is a predominately public system with the central Commonwealth government holding primary responsibility for funding universities. Public financial support is provided largely through the following funding mechanisms:

- the Commonwealth Grant Scheme (CGS) which provides for a specified number of Commonwealth Supported student places each year;
- the Higher Education Loan Programme (HELP) arrangements providing financial assistance to students; and
- research grants and research training programmes.

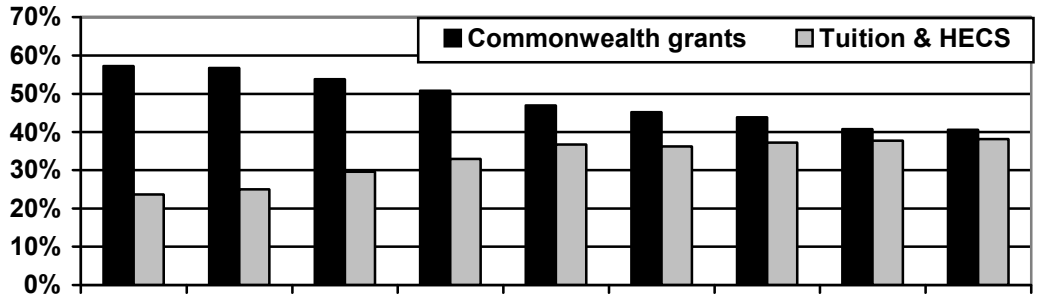
Australia has 39 publicly funded universities and five private universities, four of which receive some limited public funding. In addition, there are approximately 90 other private higher education institutions. For the most part, these are single-purpose institutions such as colleges of theology and business institutes. Together they account for just 3% of total student enrolments. Providers other than universities, such as colleges of Technical and Further Education (TAFE), are also authorised to issue higher education degrees.

Beginning in the mid-1980s, Australia's higher education system was quickly transformed into a deregulated and commercially oriented system. A number of reforms were implemented that privatized the cost of education. Student fees, which had been abolished in 1973, were reintroduced in 1986 and two years later a complex fee-paying

plan was established – the Higher Education Contribution Scheme (HECS).[7] This was accompanied by large increases in tuition fees.

In the 1990s, the distribution of Commonwealth funds to universities was revised. Operating grants were first frozen and then cut back sharply. This was followed by successive steps toward the deregulation of international and postgraduate fees. By 2003, universities received about 13% less per student in public funding than they did in 1996. Consequently, as illustrated in Figure 2.1, Commonwealth grant funding as a share of all university revenues has fallen sharply, from nearly 60% in 1995 to about 40% in 2003. Over the same period, the share of university revenues derived from tuition fees and the HECS nearly doubled.[8]

Figure 2.1: University revenues by source, Australia, 1995-2003 (% of total)



Source: DEST

Also in the 1990s, research funding per capita was scaled back and more emphasis was put on securing private sector funding for university-based research. The intention was to make universities more responsive to the needs of the market. The overall effect, however, was to intensify the funding crisis in higher education.

More market-oriented reforms to the higher education system were enacted this year. Base operating grants provided by the Commonwealth government were replaced by the Commonwealth Grants Scheme (CGS). Under the CGS, the government now provides universities with a contribution for each student enrolled in a publicly subsidized space. The funding provided per student varies according to discipline. Expected minimum student contributions will vary from $A 3,854 in education and nursing to $A 6,427 in law and medicine. Underpinning these changes is the partial deregulation of

[7] The HECS shifted a significant portion of the cost of higher education away from the federal government onto students. The HECS is a variation of a "go now, pay later" plan where students have an option of paying their fees upfront or of deferring payment. In the latter case, the government pays the HECS and the student takes on a debt that is indexed to inflation.

[8] NTEU, *University Funding: Students Pay More, Universities Get Less.* Available at: http://www.nteu.org.au/freestyler/gui/files//NTEU%20Fact%20Sheet%206.PDF

undergraduate tuition fees. Public universities can charge direct tuition fees for up to 35% of the places in each course.

A further significant feature of Australia's higher education system in recent years has been its aggressive "export-oriented" nature. Encouraged by the Commonwealth government and the scarcity of funding for domestic students, Australian universities have become increasingly reliant upon full-fee paying international students. In 1985, the government ended the Overseas Student Program that provided aid to students from developing countries and permitted universities to charge full fees for all overseas students.[9] This resulted in a massive increase in the share of international students studying in Australia. Between 1990 and 2002, the number of international students enrolled in Australian universities rose from 24,998 to 185,058.[10] In addition, many of the country's universities have established offshore operations in search of new revenue streams. In 1999, international education exports were estimated to be about $A 3,085 million.

Australia has had a long tradition of providing education to foreign students as part of various aid and development programs. The recent focus on overseas students, however, has explicitly been a revenue-seeking initiative. Government and university officials have been unabashed in marketing higher education abroad as a way to "raise export revenue" and alleviate "the problem of the current account deficit." Some critics have suggested that university administrations have become single-mindedly dedicated to filling their foreign student quotas and are less interested in Australian undergraduates. Others have raised concerns about declining admission standards as universities have welcomed virtually any foreign student able and willing to pay for an Australian education.[11]

Collective Bargaining and Union Rights

The National Tertiary Education Union (NTEU) represents unionized academic staff in Australian universities. There are approximately 16,000 academic staff members of the NTEU.

Overall, the Australian system of industrial relations has historically been highly centralized and characterized by industry-wide or company awards. These awards are negotiated by company, union, and sometimes government officials, and then submitted for ratification or resolution to the Australian Industrial Relations Commission (AIRC). Industry-wide awards establish minimum wages and working conditions for specific categories of workers. Additionally, individual companies and their employees or unions may negotiate supplemental or "over award" wage benefits. These supplemental benefits are negotiated through individual enterprise bargaining. Eighty percent of all wage and

[9] Jan Currie, "The Neo-Liberal Paradigm and Higher Education," *Globalization and Higher Education*, eds. Jaishree K. Odin and Peter T. Manicas (Honolulu: University of Hawaii Press, 2004), p. 54.
[10] Simon Marginson, "National and global competition in higher education," *Australian Educational Researcher*, vol. 31, no. 2 (August 2004), pp. 1-28
[11] Frank Milne, "The Australian Universities: A study in public policy failure" (Kingston: Queen's University, Department of Economics), January 26, 2001.

salary earners are covered by the awards system, with the greatest proportion of employees receiving over-award payments through some form of enterprise agreement.[12]

The 1996 *Workplace Relations Act* (WRA) introduced a new form of individual employer-employee agreement, the Australian Workplace Agreements (AWA). These individual contracts are subject to far fewer government regulations than are certified collective agreements. In an effort to promote the adoption of AWAs, the WRA also effectively barred "closed shops," enterprises where an individual has to be a member of a union to be hired. Despite efforts by the federal government to encourage the use of AWAs, however, it appears that the majority of employers still seem to prefer enterprise agreements or awards.

The WRA allows for only a limited right to strike in Australia. Unions and workers are prohibited from striking in companies engaged in interstate trade and commerce, except when they are negotiating a new agreement. Unions are also prevented from engaging in secondary boycotts or solidarity strikes. Importantly, a strike can be prevented or suspended if it "endangers the life, health or welfare of the population or part of it, or if it would cause significant damage to the economy." This provision has been used against education workers. The AIRC has found that students and their families could be considered to suffer danger to their welfare during an industrial dispute.[13]

Not surprisingly, the WRA has proven to be highly controversial and has been sharply criticized by the International Labour Organization (ILO). Australia ratified ILO Convention No. 87 on freedom of association and protection of the right to organize in 1973. Both the ILO's Committee on Freedom of Association (CFA) and the ILO's Committee of Experts (COE) on the Application of Conventions and Recommendations have called upon the government to amend certain provisions of the WRA to comply with the Convention. In 2000, the CFA recommended that the WRA's restrictions on any strike actions that impede interstate trade and commerce should be eliminated, as this could be used by government to prevent legitimate strike actions. In 2003, the COE similarly indicated that the WRA's prohibition on industrial action that causes significant damage to the economy went far beyond the standard prohibition against strikes affecting essential services. The Committee argued that, if broadly interpreted, the provision would effectively undermine the basic right to strike. Both Committees also recommended that workers should be able to participate in a solidarity strike or boycott if the initial strike they are supporting is lawful. Australia has to date failed to act on these recommendations.[14]

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[12] US Department of Labor, "Foreign labor trends: Australia." Available at: http://www.dol.gov/ILAB/media/reports/flt/australia-2003.htm

[13] Diny Slamet, "Cold War," *Australian Educator*, no. 43 (Spring, 2004), p. 17.

[14] In fact, the government has attempted to introduce even more draconian amendments to the WRA. The current government has signalled its intention to introduce a Better Bargaining Bill (BBB) that would allow individuals or groups who are not directly involved in an industrial dispute to apply to the AIRC to suspend industrial action if they can demonstrate the strike will cause them harm. Applications made to declare a strike illegal can be based not only on actual, but also threatened, industrial action. Under the BBB, all that is required to halt a strike would be to show that it could significantly harm a single person. In the case of

Significant changes to the workplace relations arrangements for academic staff occurred in the late 1980s and early 1990s. National salaries and conditions awards were made for academic staff in 1987 and were fully funded by the Commonwealth government. This arrangement was changed in 1993 when the government moved to encourage local or enterprise-based bargaining in which salary increases were required to be productivity-related and unfunded by government. Despite these changes, the NTEU has continued to settle individual university enterprise agreements within national "rounds."

In 2000, the government implemented the Workplace Reform Program (WRP). In order to qualify for additional funding – an amount roughly equivalent to a 2% salary increase for university staff -- universities were required to meet nine of 14 criteria established by the WRP. The criteria included cost savings, discretionary revenue generation, productivity measures, flexible working arrangements, and management and administration issues.

The Australian government has recently introduced new legislation designed to encourage the application of individual contracts in higher education. The proposed Higher Education Workplace Relations Requirements (HEWRRs) would require higher education institutions to include in their certified agreements with academic staff a clause that expressly allows for AWAs that would operate to the exclusion of the collective agreement. In addition, higher education institutions must offer AWAs to all new employees employed after April 29, 2005 and to all other employees by August 31, 2006. There must also be no limitation placed on the "form and mix of employment arrangements", thus overriding any restrictions on fixed-term and casual employment. Finally, workplace agreements, policies and practices must also include a performance management scheme linking individual pay with performance and providing for "efficient processes" for managing poor performing staff.[15]

The HEWRRs are an extremely worrisome development. If adopted, they would seriously undermine the collective bargaining rights, working conditions and status of academic staff. The NTEU has warned that the new workplace rules would force universities to renege on existing certified agreements and strip academic staff of rights and protections already agreed in bargaining. The new requirements would accelerate the casualization of the academic workforce and remove many provisions that protect working conditions and collegial decision-making.[16]

Employment Status of Academic Staff

In 2004, there were just over 33,000 full-time and fractional full-time academic staff employed in Australia's higher education system. Of this, approximately 22% were

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higher education, this could mean that the impact of industrial action on any individual student or parent would be weighed by the AIRC in considering a suspension.

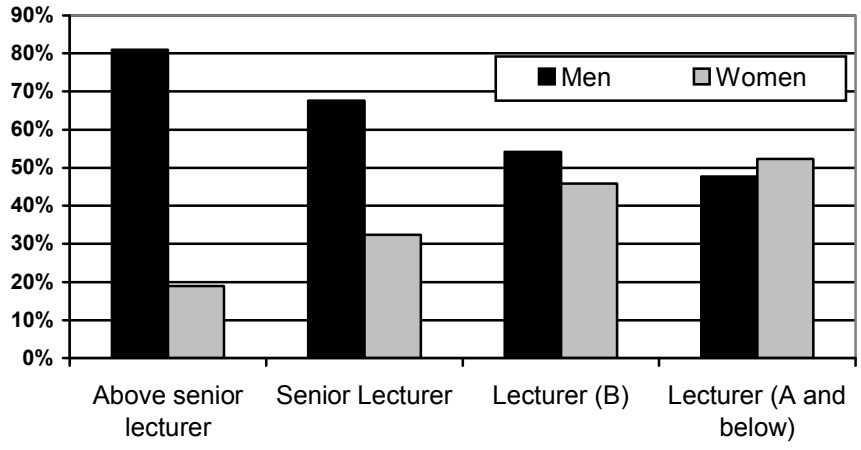
[15] http://www.dest.gov.au/sectors/higher_education/programmes_funding/programme_categories/professional_skills/hewrrs/

[16] See http://www.nteu.org.au/higheredatrisk

employed above senior lecturer level (levels D and E), 24% as senior lecturers (level C), 34% as lecturers (level B) and 20% at academic level A. Of the total full-time and fractional full-time academic staff, approximately 70% held a permanent tenure term or a term leading to tenure, while the remainder were engaged on a limited term basis.

In 2004, women made up just over 36% of all full-time equivalent academic staff, up from 31% in 1991. Women are more likely to be represented at the lower academic ranks and in part-time positions. Above the level of Senior Lecturer, men hold more than 80% of the appointments. By contrast, women make up more than 55% of all casual staff (figure 2.2).

Figure 2.2: Gender distribution of academic staff by rank, Australia, 2003



Source: DEST, Selected Higher Education Statistics

The low level of representation of women in senior academic ranks is largely related to two factors. First, women academics are significantly less likely to have a Ph.D. than men. In addition, the distinctive way women find they must balance work and family plays a critical role. Female academics are far more likely to be working part-time or to have left work because of family responsibilities.

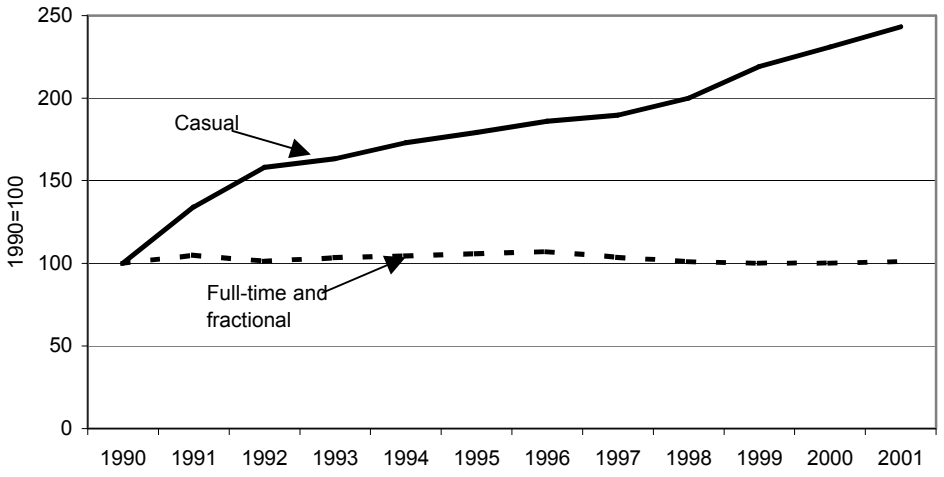
Indigenous Australians are also seriously under-represented within the country's higher education institutions. Indigenous people comprise only 0.7% of employees at universities, while comprising about 2.0% of the general population.[17]

One of the key changes in the employment status of Australian academic staff in the past decade has been the rapid increase in casual employment. As illustrated in Figure 2.3, almost all the growth in academic staff employment over the 1990s came in the form of increased causal labour. The numbers of full-time and fractional full-time positions were

[17] NTEU, *Achieving Equitable and Appropriate Outcomes: Indigenous Australians in Higher Education*. Submission to the Department of Education, Science and Training. September, 2002.

virtually unchanged in 2001 when compared to 1990. By contrast, the number of casual positions more than doubled over the same period. As a result, the number of academic staff employed on a casual basis as a share of total academic employment rose from just over 9% in 1990 to nearly 20% by 2001.

Figure 2.3: Growth in full-time/fractional and casual academic employment, Australia, 1990-2001 (1990=100)



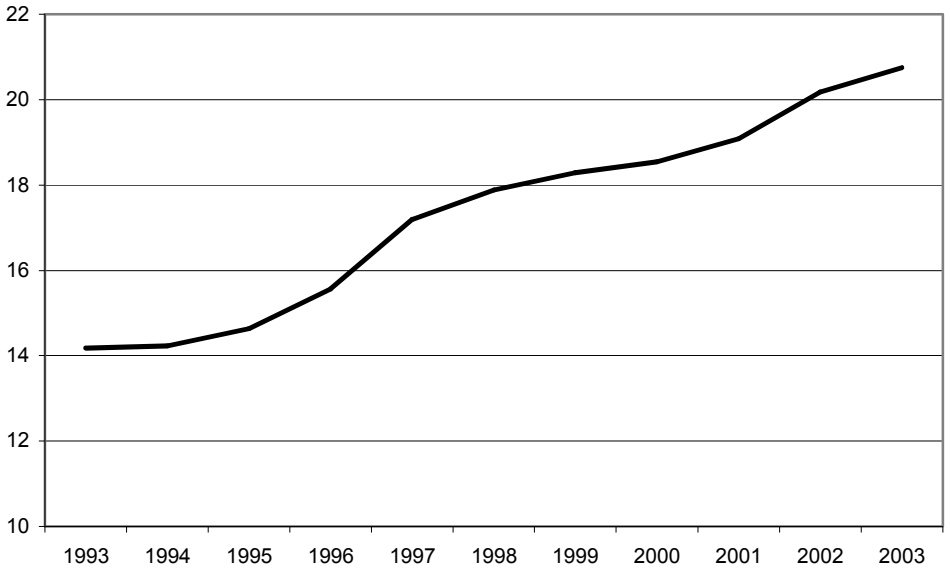
Source: Caculations based on DEST, Higher Education Staff Statistics

Coupled with rising student enrolments over the past decade, the lack of growth in the number of full-time and fractional academic staff positions has resulted in a rapid rise in student/teacher ratios. As illustrated in figure 2.4, this has increased sharply since the mid 1990's.

Rising student/faculty ratios have increased workloads and fuelled concerns about stress amongst academic staff. It is estimated that academic staff work an average of about 53 hours per week and that 83% have reported an increase in their workload since 1991.[18] Interestingly, a Workload Survey conducted by the NTEU suggests that academic women more frequently describe their job as stressful. 67% of women surveyed said their job was often or almost always stressful, compared with 58% of men.

[18] G. McConville and C. Allport, *Unhealthy Places of Learning: Working in Australian Universities* (Melbourne: NTEU, 2000).

Figure 2.4: Student/faculty ratios, Australia, 1993-2003

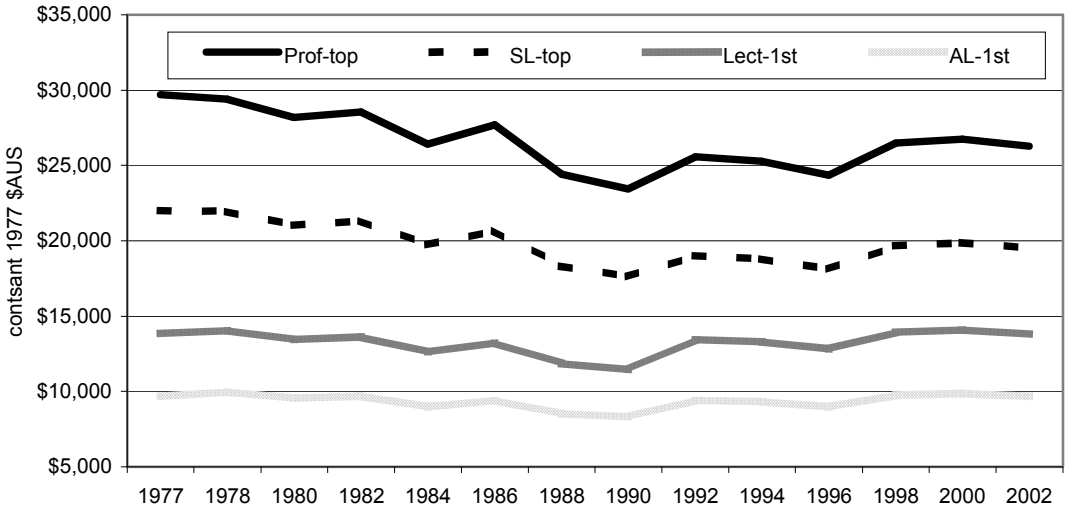


Source: DEST, Selected Higher Education Statistics

Salaries

As in many other countries, Australia has witnessed a long-term decline in academic staff salaries when adjusted for inflation. Figure 2.5 plots academic salaries in 1977 prices for four ranks: professor, senior lecturer, lecturer and associate lecturer. As illustrated, salaries for all ranks show a downward trend from the late 1970s to 1990, after which there has been some modest recovery. The two most senior ranks experienced the greatest real decline in salaries over this period. A professor's salary was $29,687 in 1977. Adjusted for inflation, this had fallen to $26,260 in 2002 when measured in constant 1977 dollars. In other words, a professor's salary declined by 12% in real terms over this period.

Figure 2.5: Real change in academic staff salaries, Australia, 1977-2002



Source: Australian Centre for Occupational, Vocational and Adult Learning

Another way of looking at the long-term decline in the remuneration of academics is to compare academic salaries to average salaries in the economy as a whole. When measured as a share of average weekly earnings, academic salaries have declined sharply since the late 1970s. A professor's salary was 3.2 times greater than average earnings in 1977 but in 2002, it was only 2.4 times greater. A senior lecturer's salary was 2.4 times greater than the average in 1977 but only 1.8 times greater in 2002. A lecturer's salary was 1.5 times greater than average earnings in 1977 but only 1.3 times greater in 2002. An associate lecturer's salary was just greater than the average in 1977 but had fallen below the average by 2002.[19]

More recent data indicates that salary scales have begun rising above the rate of inflation. As illustrated in Table 2.2, most scales have risen more than 9% in real terms between 2001 and 2004. The only major exception is the bottom of the scale for an associate lecturer that has increased by about 7% in real terms.

Women in higher education earn less than men in Australia. A Gender Pay Equity Study undertaken by the NTEU in 1998 suggested that without controlling for any other factors, male academic staff earn on average $A 439 more than women per fortnight.[20]

[19] Michael Horsley and Greg Woodburne, "Australian Academic Salaries Time Series Project, 1977-2002," (Australian Centre for Organisation, Vocational and Adult Learning),
[20] A summary of the study is available at: http://www.nteu.org.au/getinvolved/equal/women/archive/2073

Table 2.2: Academic staff salaries by rank, Australia, 2001-02 to 2004-05 (constant 2001 $AUS)				
	2001-02	**2003-04**	**2004-05**	**% change**
Associate Lecturer				
Bottom of scale	35,230	37,044	37,632	6.8
Middle of scale	41,486	44,225	46,164	11.3
Top of scale	47,742	50,119	52,221	9.4
Lecturer				
Bottom of scale	50,247	52,839	55,788	11.0
Middle of scale	52,943	56.062	59,618	8.5
Top of scale	59,638	62,682	65,292	9.5
Senior lecturer				
Bottom of scale	61,514	64,641	67,339	9.5
Middle of scale	66,202	69,863	72,870	10.1
Top of scale	70,890	74,462	77,604	9.5
Associate professor				
Bottom of scale	74,014	77,734	80,984	9.4
Middle of scale	77,832	81,955	85,472	9.8
Top of scale	81,650	85,757	89,334	9.4
Professor				
Bottom of scale	95,003	99,882	103,870	9.3

Source: Calculations based on Association of Commonwealth Universities.

Academic Freedom and Tenure

Academic freedom in Australia is not guaranteed by any specific legislation. Academic freedom and tenure rights are instead protected, to varying degrees, through institutional collective bargaining agreements. Complaints about violations of academic freedom are rare, although some university administrators and government officials continue to try to narrow its scope. It is common for university-based codes of conduct to restrict academics to publicly comment only on matters related to their specific discipline.

The Commonwealth government has recently made some portion of university funding conditional upon adherence to controversial industrial reforms, as noted above. The measures proposed not only contravene internationally recognized collective bargaining rights, but also threaten academic freedom by eroding job security and undermining the autonomy of universities.

Additional threats to academic freedom arise from the increasing commercialization of Australian universities. A major report issued by the Australia Institute in 2001 found that the growing reliance of the university sector on commercial income was compromising the capacity of academic staff to teach, research and publish

independently.[21] Surveying the views of academic staff in the social sciences, the report found that 92% were concerned about the general state of academic freedom in their universities, with over 37 percent reporting major concerns. In addition, 73% of respondents felt that academic freedom had deteriorated over the previous four years, and the majority felt that increasing commercialisation was to blame. It is striking that 17% of respondents reported that they had been prevented in some way from publishing contentious research results.

Respondents to the survey identified the following effects of commercialization on academic freedom and their working conditions:

- Workloads levels had increased. This was in part due to added pressures to write competitive tenders and develop and market commercial courses.

- The pressure to attract research funding from private sources increasingly steers research into safe, well-defined areas and away from more controversial topics.

- The emphasis on fee-based courses, especially for domestic and international postgraduates, was lowering student standards.

- The drive to market flexible fee-based courses -- especially on-line and distance education courses -- raised questions about faculty control and ownership of course material.

- The emphasis on market demand required more corporate management structures in universities that were eroding collegial decision-making structures.

Finally, academic staff in Australia have recently expressed concern about the impact of proposed anti-terrorism laws on academic freedom and civil liberties. The Australian government, like its counterparts in the rest of the Anglo-American world, is planning to increase the powers of police and security forces in response to perceived terrorist threats. However, concern has been raised that these new powers will allow authorities monitor the activities of students and staff, including their use of library and Internet materials and their attendance at seminars and conferences.[22]

Conclusion

Australia's higher education system has increasingly been subject to market-oriented reforms and excessive government oversight. For academic staff, these changes have adversely affected working conditions and have eroded academic freedom.

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[21] Carole Kayrooz, Pamela Kinnear, and Paul Preston, *Academic Freedom and Commercialisation of Australian Universities: Perceptions and experiences of social scientists* (The Australia Institute, March 2001).

[22] NTEU, "University staff voice alarm over new terror laws." Available on-line at http://www.nteu.org.au/news/current/12828

Today, the Commonwealth government's plan to impose new anti-union workplace requirements on universities represents a serious attack on basic rights that could have international ramifications. The measures, as proposed, clearly contravene internationally recognized collective bargaining rights. More than this, they also threaten academic freedom by weakening job security and undermining the autonomy of universities and their academic staff.

3. Canada

Table 3.1: Selected economic and social indicators, Canada		
	Value	**Year**
Population	32,078,819	2005
GDP per capita ($US PPP)*	$30,500	2003
Male life expectancy at birth (years)	77.1	2002
Female life expectancy at birth (years)	82.2	2002
Unemployment rate	7.2%	2004
Inflation rate	1.9%	2004
Unionization rate	30.4%	2004
Public spending on tertiary education institutions (% of GDP)	1.5%	2001
Private spending on tertiary education institutions (% of GDP)	1.0%	2001
Tertiary participation rate (% of 25 to 34-year old population)	43%	2002

**Converted to US dollars using OECD purchasing power parity (PPP) index.*
Sources: Statistics Canada; OECD.

Overview

Canada is a highly decentralized federation of ten provincial and three territorial governments. Under Canada's Constitution, education at all levels is the exclusive responsibility of the provinces.[23] Since the end of the Second World War and the recognition of the importance of universities and colleges, however, the federal government has increasingly become involved in higher education funding and policy. The federal government provides significant financial assistance to students and delivers annual transfer payments to the provinces and territories to assist in the funding of higher education institutions. The federal government also has constitutional responsibility for funding university-based research.

Although there is a high degree of variability between provinces, there are generally two main systems of higher education in Canada: the college/institute system and the university system. There are approximately 200 publicly funded colleges[24] and institutes in Canada offering two- and three-year technical diploma and certificate programs, and two-year pre-university and university transfer programs.[25] These public colleges and institutes are directly licensed, regulated and funded by the provincial and territorial

[23] Canada's three territories do not have the same constitutional status as provinces and are in many respects subject to more direct federal oversight. However the federal government has agreed to delegate responsibility for education to the territories.
[24] Depending on the province or territory, public non-degree-granting institutions are called colleges, regional colleges, centres, colleges of applied arts and technology, community colleges, institutes, schools or, in Quebec, collèges d'enseignement général et professionnel (Cégeps).
[25] In addition to public colleges, there are thousands of private non-degree granting institutions operating in Canada, but the overwhelming majority of students are enrolled in the public system. Most private non-degree-granting institutions operate as businesses to deliver highly focused, occupationally oriented courses and programs.

governments. Most have boards of governors appointed by either provincial or territorial governments.

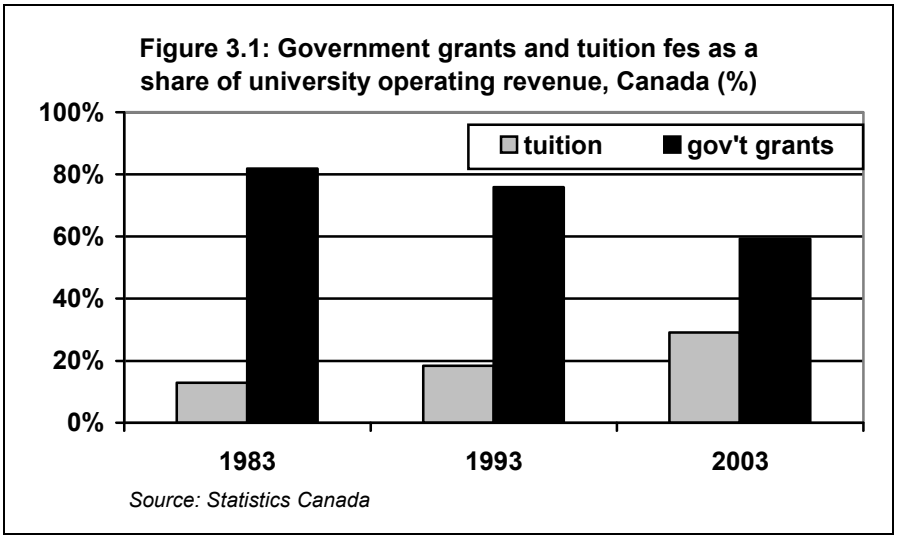
All universities in Canada, with the exception of a few very small denominational and specialized private institutions, are publicly funded and given authority to grant degrees by provincial statutes.[26] Canada's 91 public universities are fully autonomous from government and set their own admission standards and degree requirements. Universities offer bachelor and professional degree programs that are three to four years in length. Masters degrees normally require one to two years of study and doctoral degrees a further two or three years at a minimum. Universities range in size from small primarily undergraduate institutions to large, research-intensive institutions offering a wide range of undergraduate, graduate, and professional degree programs.

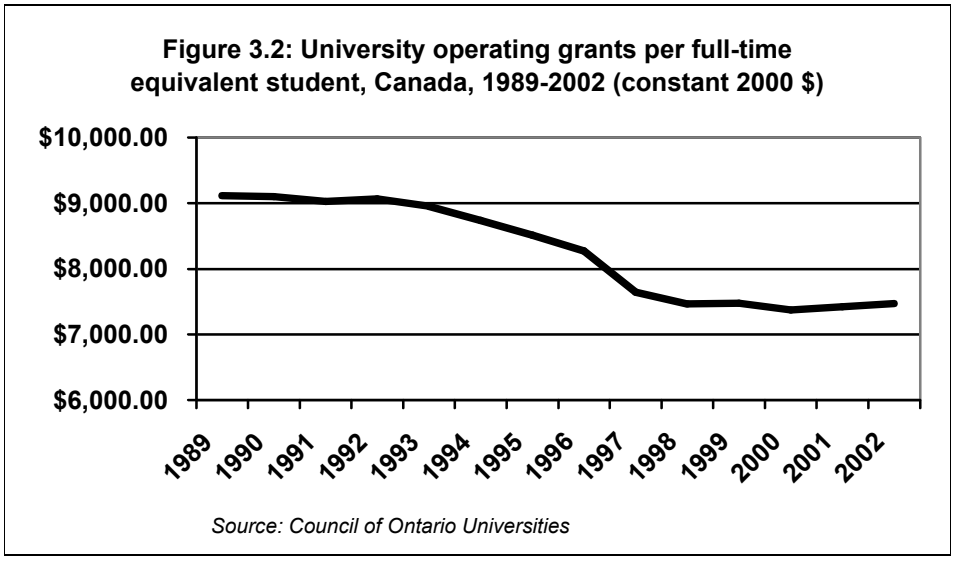
In recent years, the general shape of Canada's higher education system has been altered. There has been an increased blurring between the college and university system, with several provinces extending degree-granting status to many college programs. In addition, some provinces have created new quality assurance and accreditation authorities to assess and authorize the establishment of new private, including for-profit, universities. To date, there have been very few for-profit entities established and they have attracted few students. They employ mostly part-time faculty and have no provisions for tenure.

Canada's public higher education system experienced serious funding cuts over the course of the 1990s. At the federal level, transfer payments to the provinces to fund health care, post-secondary education and social services were drastically reduced in 1996. At the same time a number of neo-liberal governments came to power in several provinces, most notably in Alberta and Ontario. These governments cut both taxes and spending in an effort to shrink the public sector. Universities were not spared as operating grants were slashed and tuition fees soared. The result of both federal and provincial retrenchment was that within just two decades, the share of university operating revenues received from government grants fell from 82% in 1983 to less than 60% in 2003. The share of revenues from tuition rose from 13% to 29% (see figure 3.1).

The core operating budgets of universities and colleges have borne the brunt of reduced government funding. As illustrated in Figure 3.2, total university operating grants, measured in constant dollars and per full-time equivalent student, fell by 18% between 1989 and 2002.

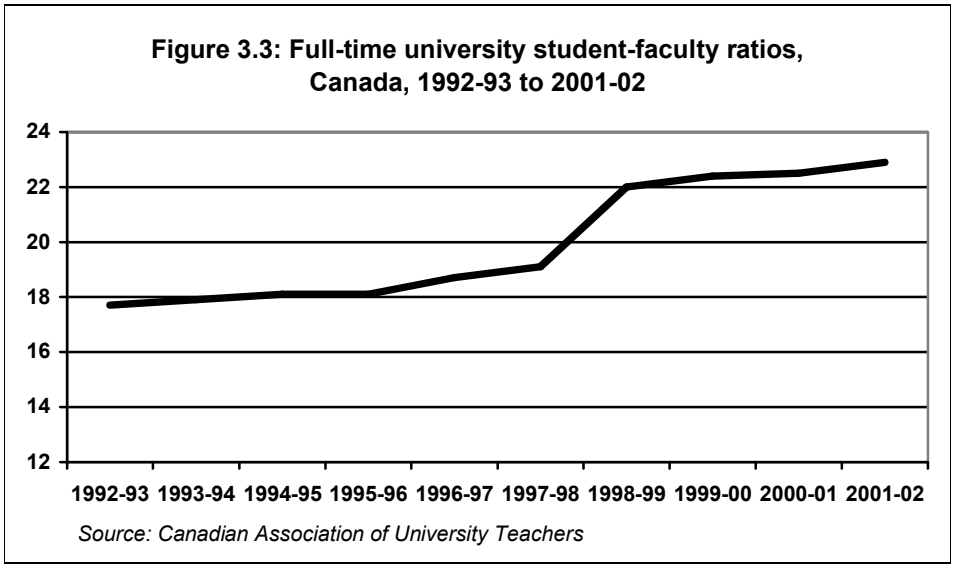
[26] The one exception to this is the Royal Military College, a university operated under the authority of the federal government's Department of National Defence.





Employment Status of Faculty

There were approximately 31,000 full-time university faculty in Canada in 2002, down from nearly 33,000 a decade earlier. While the number of full-time academic staff has fallen, enrolments have risen steadily. Consequently, the ratio of full-time teachers to full-time equivalent students has increased rapidly over the past decade (figure 3.3).



Women made up just less than 32% of all full-time academic staff in Canada in 2003-04 (table 3.2). As well, women tend to be much more under-represented at the senior academic rank of full professor. Only 18% of full professors were women. By contrast, women made up a majority of non-rank positions. Of all tenured appointments, women held less than 25%.

Table 3.2: Gender distribution of full-time academic staff by rank, Canada, 2003-04

	Full professor	Associate Professor	Assistant Professor	Other	All ranks
Men	81.9%	65.9%	58.8%	45.8%	68.3%
Women	18.1%	34.1%	41.2%	54.2%	31.7%

Source: Statistics Canada

It is widely known that the number of part-time and contingent academic staff in Canada has been on the rise. Unfortunately, there are no reliable statistics available concerning the number of part-time and non-tenure track faculty in Canada. Data provided by Statistics Canada is an "estimate" because many institutions, including several large universities, have failed to report the number of part-time academic staff they employ.

While the exact numbers may be unknown, the overall trend is clear: the number of part-time staff being hired has risen sharply in the past decade. As the number of full-time faculty declined by 7.5% from 1990/91 to 1997/98, universities were estimated to have increased the number of part-time faculty by 9.9% -- from 25,672 in 1990/91 to 28,222 in 1997/98.[27] Enrolment was up 3.9% during the same eight-year period.

[27] Statistics Canada, *The Daily*, Wednesday, May 8, 2002.

Collective Bargaining Rights

Collective bargaining regulations in Canada are highly fragmented as each of the ten provinces and the federal government has its own labour legislation. The federal labour code applies only to those working in federally regulated industries including the federal civil service, banking, broadcasting, shipping, transport, and Crown corporations.[28] Provincial labour laws establish rules and regulations involved in forming and joining a union, and procedures and bodies for administering and enforcing employment standards and rights. Most provincial labour legislation requires formal grievance and arbitration procedures for settling all disputes between the union and the employer arising from the collective agreement.

Labour regulations in Canada generally became more favourable toward unions in the 1970s. It was then that academic staff in Canada began their slow but steady march toward unionization. Quebec associations were the first to unionize, and within just five years 60% of professors in the province were members of a union. [29] Unionization in English Canada began later but by the middle of the 1980s over 50% of faculty were union members. Today, the unionization rate of academic staff is approximately 79%, well above the average of 30% for all occupations in Canada.

The unionization rate is actually much higher if academic staff in Alberta, where faculty are governed by legislation outside the provincial labour code, are excluded. In fact, contracts between faculty associations and university administrations in Alberta closely resemble agreements of unionized faculty in other parts of the country. Similarly, in British Columbia, university professors for many years were prohibited from unionization and could only negotiate special plans outside labour legislation. Today, professors are no longer prevented from unionizing, but to date faculty associations in the province have not certified as unions.

Outside of Alberta and British Columbia, only a handful of major faculty associations remain uncertified: the University of McGill in Quebec and the Ontario-based universities of Toronto, McMaster, Guelph, and Waterloo. These associations negotiate "special plans" with their administrations. For the most part, these plans look very much like union contracts. The critical difference, however, is that special plans have no force in labour law and therefore lack the assurances and legal protections of unionized collective bargaining. As well, non-certified faculty associations do not normally have access to the Rand formula, a legal provision that gives trade unions the right to receive dues from all eligible members of the workplace whether or not they join the union. The Rand formula is based upon the principle that all employees benefit from union services

[28] Only one university in Canada is covered by the federal code, the Royal Military College of Canada.
[29] Neil Tudiver, *Universities for Sale: Resisting corporate control on campus* (Toronto: Lorimer, 1999), pp. 84–85.

and should therefore pay dues. It is compulsory in most provinces and can be negotiated with the employer in others.[30]

In Canada, collective agreements between faculty unions and employers are quite wide-ranging. They usually contain extensive articles on academic freedom and intellectual property, and procedures for appointments, promotions, tenure and dismissal. Agreements also specify grievance and arbitration procedures to be followed in the case of disputes arising between the union and the employer.

While collective bargaining rights for faculty in Canada generally remain strong, there have been some worrying developments in recent years. Most notably, the government of British Columbia has enacted legislation[31] declaring primary, secondary and community college education an essential service, thereby prohibiting strikes. That earned the province a condemnation from the ILO in 2003. In the same legislation, the government also granted college presidents in the province the power to ignore negotiated articles in collective agreements concerning class size, distance education and the length of the academic year.

Salaries

Salaries and benefits for university academic staff are negotiated locally between faculty associations or unions and the university administration. There is, therefore, some variation in compensation between individual institutions. As well, there are some differences in salaries between different types of institutions, with faculty at the large research-intensive institutions earning more than their colleagues at mid-sized and small institutions (table 3.3).

Table 3.3: Average salaries of full-time academic staff by rank and institution type, Canada, 2003-04 ($Canadian dollars)

	Medical-doctoral institutions	Comprehensive universities	Undergraduate universities	All institutions combined
Full professor	$114,167	$105,628	$101,151	$108,653
Associate professor	89,791	88,507	81,240	86,831
Assistant professor	73,807	69,654	63,382	69,537
Lecturer	69,845	64,995	56,162	64,358
All ranks combined	93,162	88,707	78,762	87,316

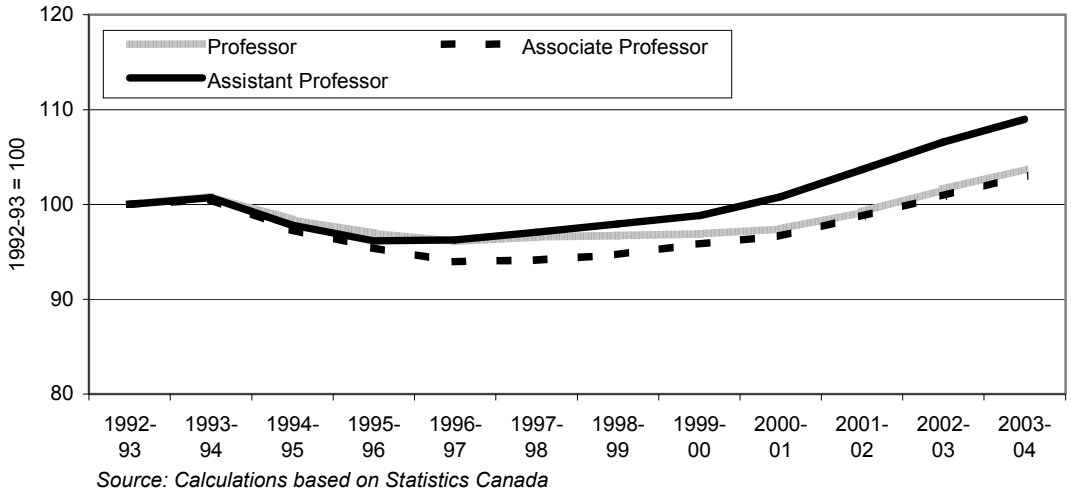
Source: Statistics Canada

Academic salaries in Canada have experienced slow growth in recent years (figure 3.4). In fact, salaries fell in real terms over the course of the 1990s as public funding cuts took hold. Academic salaries have recovered modestly in recent years. The assistant professor rank has shown the largest increase. This likely reflects the rising demand for new

[30] While not a legally certified trade union, the University of Toronto Faculty Association has nevertheless managed to include in its special plan a Rand-like formula.
[31] *The Public Education Flexibility and Choice Act (Bill 28).*

faculty in the wake of an increased number of retirements and improvements in university finances.

Figure 3.4: Real change in academic rank salaries, Canada, 1992-93 to 2003-04 (1992-93=100)



Source: Calculations based on Statistics Canada

Women continue to earn less than men and there has been only modest improvement in narrowing the gender pay gap over the past decade in Canada. As shown in Table 3.4, women academics earned just 82.4% of the average salary received by their male colleagues in 1993. By 2003, this gap had narrowed only slightly to 86.6%. As illustrated, there is some notable variation by discipline, with the pay gap widest in engineering and applied sciences and social sciences.

Table 3.4: Female academic staff salaries as a share of male salaries by discipline, Canada 1993 and 2003

	1993	2003
All disciplines	82.4%	86.6%
Agricultural and biological sciences	84.6%	88.6%
Education	84.8%	91.2%
Engineering and applied sciences	81.0%	85.8%
Fine and applied arts	84.9%	91.1%
Health professions	84.6%	90.3%
Humanities	80.4%	86.8%
Mathematics and physical sciences	80.4%	88.7%
Social sciences	82.5%	85.7%

Source: Statistics Canada

In addition to salary, all collective agreements for academic staff in Canada contain other monetary and non-monetary benefits such as pension plans, extended medical insurance (for prescription drugs and services not covered by the public health plan), dental plans, and group life insurance. The value of these benefits varies widely between agreements.

Academic freedom and tenure

Tenure and academic freedom in Canada are largely protected by university policies and, more importantly, in collective agreements and special plans. The latter allows faculty associations and unions to launch formal grievances concerning allegations of violations of academic freedom, wrongful dismissal or denial of tenure. If a grievance cannot be resolved by the union and the employer, a third-party arbitrator is appointed to decide the matter.[32]

While there are no formal legal protections for academic freedom and tenure, the importance of these rights for academic staff was recognized by the Supreme Court of Canada in 1990 in the case of *McKinney v. University of Guelph*. The Court ruled that universities did not fall under the Canadian Charter of Rights and Freedoms because the Charter applied only to the actions of governments. In an aside, however, the Court commented that faculty "must have a great measure of security of employment if they are to have the freedom necessary to the maintenance of academic excellence which is or should be the hallmark of a university. Tenure provides the necessary academic freedom to allow free and fearless search for knowledge and the propagation of ideas."

Academic freedom in Canada was highly restricted until the 1950s. For decades prior to this, academics were subject to varying degrees of external and internal control. One key deterrent to the exercise of academic freedom stemmed from the control private donors held over institutions at this time. It was widely understood that private benefactors who might be unhappy about what a professor said were likely to withhold their contributions.

However, by the 1950s and into the 1960s, universities in Canada became increasingly funded by public sources. This made it much safer to express one's views than in the past. At the same time, academic freedom was given an additional measure of protection as stronger tenure provisions became included in collective agreements that required the university to show cause if they sought to dismiss professors.[33]

Today, the renewed dependence of Canadian universities on corporate donations, privately sponsored research funding, and tuition fees is again raising fears that academic freedom is being restricted. Indeed, corporate interests and academic ethics have collided in a number of high profile cases. In the late 1990s, Dr. Nancy Olivieri, a University of Toronto clinician undertaking research work at the Hospital for Sick Children, came to believe that a new drug treatment she was testing posed serious dangers to some patients. The corporate co-sponsor of the research objected to her findings. The company threatened legal action should she publish her research results, and had her removed as the study's principal investigator. The Hospital and the University failed to provide her

[32] An arbitration decision can be appealed to the Canadian courts, although appeals, unless the decision was clearly unreasonable, are rarely granted. Unlike court decisions, arbitration decisions do not create binding precedents.

[33] Michiel Horn, Academic Freedom in Canada: A History (Toronto: University of Toronto Press, 1999), pp. 350-352.

any assistance or to defend her academic freedom. Despite these intimidating tactics, Dr. Olivieri published her research in one of the world's most prestigious medical journals. The hospital only agreed to a thorough examination of this case when 140 of its staff publicly demanded an internal inquiry.[34]

In 2001, another highly publicized controversy erupted at the University of Toronto, this time at the Centre for Addiction and Mental Health (CAMH). An offer of employment to Dr. David Healy, a highly respected British academic and psychiatrist, was abruptly rescinded. This came just days after Dr. Healy gave a lecture at the University of Toronto in which he warned of the inappropriate influence the pharmaceutical industry over psychiatric research. Pharmaceutical companies are major donors to the CAMH and fund clinical drug trials. Dr. Healy subsequently sued the university and CAMH for breach of contract and agreed to an out of court settlement.

More recently, academic staff in Canada have raised alarm over the introduction of new security measures introduced by the federal government as part of the "war on terrorism." In a submission to a Parliamentary Committee reviewing Canada's anti-terrorism legislation, the Canadian Association of University Teachers called for its repeal. By undermining basic civil liberties such as due process, the presumption of innocence, freedom from arbitrary detention, and the right to privacy and freedom from state surveillance, the legislation, according to CAUT, posed a direct threat to free intellectual inquiry and academic freedom.[35]

Conclusion

Canada's higher education system bore the brunt of much of the fiscal retrenchment that occurred during the 1990s. This was a "lost decade" for academic staff as salaries failed to keep pace with inflation and the number of full time faculty declined even as student enrolments rose.

Today, the country's improved economic fortunes coupled with a renewed interest in government circles in expanding access to universities and colleges have led to a modest reinvestment in higher education. While there is still a long way to go to make up for the severe funding cuts of the 1990s, there are signs for academic staff that things are improving. Salaries have begun to rise and universities are once again offering new tenure-track positions.

Nevertheless, government policy in Canada remains committed to the increased commercialization of universities and colleges, and the "diversification" of their funding through greater reliance on tuition fees and private contributions. Federal research policy

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[34] Jon Thompson, Patricia Baird, and Jocelyn Downie, *The Olivieri Report: The complete text of the independent committee of inquiry commissioned by the Canadian Association of University Teachers* (Toronto: Lorimer, 2001).

[35] Canadian Association of University Teachers, *Submission to the House of Commons Subcommittee on Public Safety and National Security Regarding the Review of the Anti-Terrorism Act*, February 28, 2005. Available on-line at: http://www.caut.ca/en/publications/briefs/2005anti_terrorism_brief.pdf

is increasingly geared toward developing stronger ties between universities and private industry in an effort to commercialize more and more university research. This will continue to have a significant impact on academic staff, their employment conditions, and their academic freedom.

4. New Zealand

Table 4.1: Selected economic and social indicators, New Zealand		
		Year
Population	4,095,385	2004
GDP per capita ($US PPP)*	$23,200	2003
Male life expectancy at birth (years)	76.0	2003
Female life expectancy at birth (years)	80.9	2003
Unemployment rate	4.5%	2004
Inflation rate	2.8%	2004
Unionization rate	21.4%	2002
Public spending on tertiary education institutions (% of GDP)	0.9%	2001
Private spending on tertiary education institutions (% of GDP)	*m*	
Tertiary participation rate (% of 25 to 34-year old population)	30%	2002

**Converted to US dollars using the OECD purchasing power parity (PPP) index.*
m-Data not available
Sources: New Zealand Statistics, OECD; Robyn May, Pat Walsh, & Catherine Otto, *Unions and Union Membership in New Zealand: Annual Review for 2003* (Wellington: Industrial Relations Centre, Victoria University).

Overview

New Zealand is a parliamentary democracy made up of 13 regions. The Ministry of Education is responsible for developing and overseeing education policy, collecting education statistics, and providing funding to universities. In recent years, the country has moved from a highly centralized higher education structure to one where individual institutions now have large degrees of responsibility over their administration. In the public sector, tertiary institutions are governed by elected or appointed Councils and Boards.

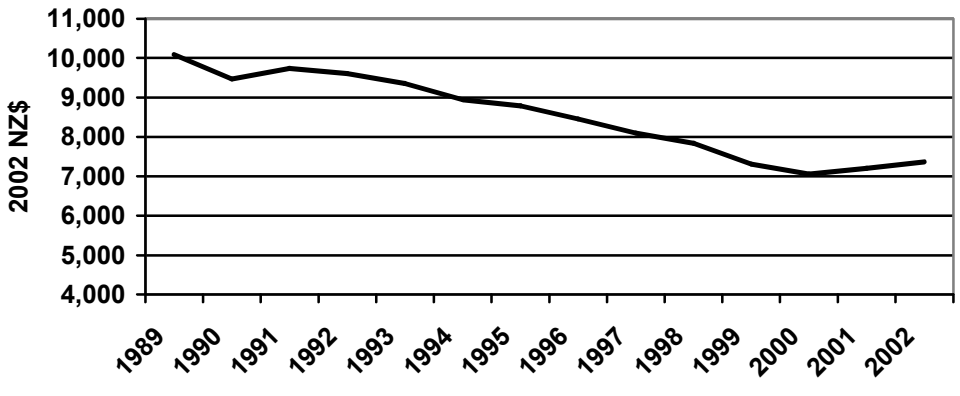
Within New Zealand, there are 36 public tertiary or post-compulsory institutions including 8 universities, 21 institutes of technology and polytechnics, 4 colleges and 3 wananga (Maori tertiary institutions). There are also 46 industry training organizations, and 895 private training establishments (including private English language schools). Tertiary institutions must meet standards established by the New Zealand Qualifications Authority (NZQA) in order to be eligible for government funding. The NZQA registers, accredits and audits private and grant-receiving institutions that offer approved courses. NZQA also awards credit for registered qualifications.

An undergraduate degree usually takes 3 years to complete, with an additional year for an honours classification. A master's degree requires two years of full-time study after a bachelor's degree (one year of study if the bachelor's degree included an honours year). The doctoral (PhD) degree normally takes three years of full-time study and research.

Over the past two decades, New Zealand has undergone a period of rapid political change that has had profound implications for the country's universities. The country

aggressively adopted a radical neo-liberal agenda. Reforms to the public sector, including higher education, were at the centre of these changes. Government support for public institutions plummeted at the same time as the public sector was encouraged to become more entrepreneurial and business-like. In the process, university funding was dramatically cut and fees charged students grew rapidly. Adjusted for inflation, Ministry of Education funding per equivalent domestic full-time student has declined 29% since 1989 (figure 4.1).

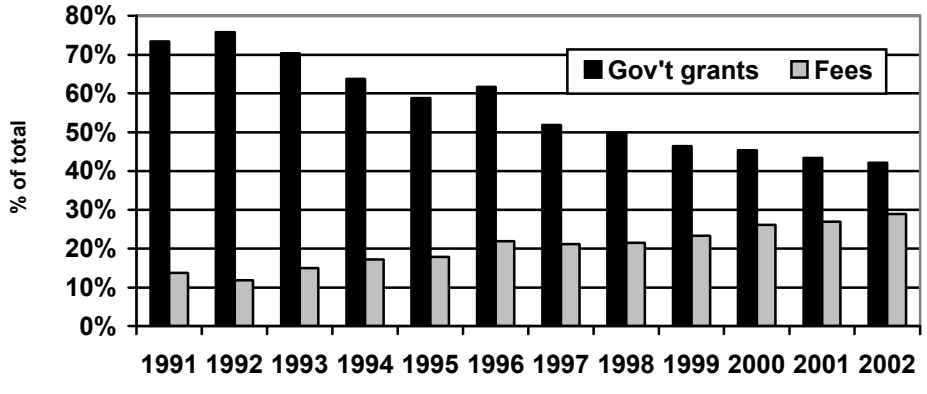
Figure 4.1: Real higher education funding per full-time equivalent student, New Zealand (in 2002 NZ$)



Source: ScottEconomics Ltd.

Meanwhile, students have been paying steadily higher fees. In 1991, government grants made up 73% of total operating revenues of universities (figure 4.2). By 2002, that had fallen to just 42%. Tuition fees rose from 14% to 29% over this period.

Figure 4.2: Univesity operating revenues by source, New Zeland, 1991-2002 (% of total)



Source: ScottEconomics Ltd.

Another significant development over this period was the government's decision to actively encourage the creation of new private providers of higher education to operate in direct competition with public universities. Most faculty in private institutions are appointed on a part-time basis and hold individual contracts.

New Zealand also adopted an elaborate and extensive system of performance indicators for higher education. Universities are required by law to produce an annual performance statement based upon government imposed performance indicators. These statements are reviewed by the Government Audit Office and by the Ministry of Education's Tertiary Ownership Monitoring Unit (TOMU).

Employment Status

They were approximately 5,500 full-time and 3,500 part-time academic staff in New Zealand in 2003 (table 4.2). The number of part-time staff, normally employed on a permanent basis, actually declined over the course of the 1990s by 5%. [36]

Table 4.2: Academic staff by appointment, New Zealand, 2003

	Full-time		*Part-time*		*Total*
	Male	Female	Male	Female	
Professor	466	77	108	10	661
Reader/Associate Professor	509	104	82	17	712
Senior Lecturer	1,430	781	503	299	3,013
Lecturer	776	688	231	369	2,064
Other teaching staff	292	352	830	1,046	2,520
Subtotal	*3,473*	*2,002*	*1,754*	*1,741*	*8,970*

Source: Statistics New Zealand

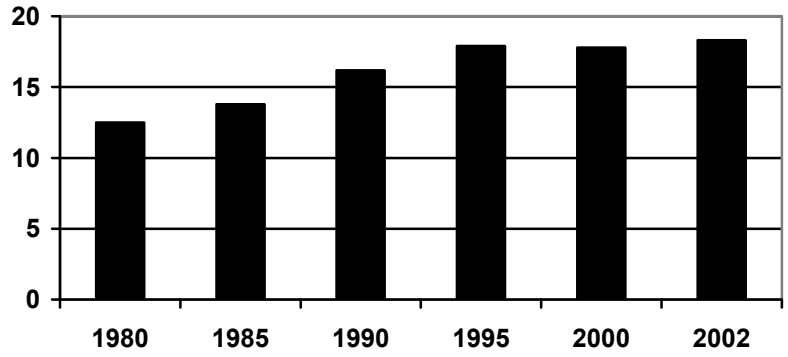
Of the full-time staff, about 37% were women in 2003. Women made up about 50% of part-time academic staff. Women are significantly under-represented at the senior academic ranks. Of the total numbers of full-time professors, only 14% are women. Women make up just 17% of all readers and associate professors and 35% of senior lecturers. By contrast, women are over-represented the lowest designation. Women account for 55% of all full-time "other teaching staff" and 56% of all part-time staff in this category.

There are no official statistics available on the use of fixed or non-permanent appointments in New Zealand. The Association of University Staff (AUS) estimates that such fixed term appointments amount to 25% to 30% of the total number of full-time academic staff. The *Employment Relations Act* of 2000 encourages the movement of staff on fixed terms into permanent positions by requiring employers to provide a genuine reason for hiring an individual on a fixed term contract. The employer must also advise the employee, before entering the employment agreement, when or how the employment will end and for what reasons.

[36] AUS, *Casualisation of University Employment*, May 2002.

Mirroring the trends in other countries, the growth in student enrolments in New Zealand has not kept pace with the number of full-time equivalent academic staff. Consequently, student faculty ratios have risen steadily since the 1980s (figure 4.3).

Figure 4.3: Ratio of full-time equivalent students to full-time equivalent academic staff, New Zealand, 1980-2002



Source: NZ Ministry of Education

Collective bargaining rights

Beginning in the 1980s, New Zealand underwent one of the most aggressive and extensive applications of neo-liberal labour market policies in the English-speaking world. Changes in labour legislation were first initiated by a Labour government in 1987 with the introduction of the *Labour Relations Act*. The *Act* abolished the compulsory arbitration system that had been in place since 1890, defined when industrial action would be "lawful" and introduced open-ended bargaining. This was followed by explicitly anti-union legislation introduced by the National government in 1991.

Until the late 1980s, academic staff salaries were set by the Higher Salaries Commission, which based its decisions on advice received from the University Grants Committee (UGC). The New Zealand Vice-Chancellors Committee and the Association of University Teachers in turn made submissions to the UGC. Conditions of employment were not negotiated but were established by local university councils. Any grievances that could not be dealt with locally could be appealed to an arbitrator chosen by the Governor-General.

In 1988, this system was changed with the introduction of the *State Sector Act* (SSA). The purpose of the Act was to apply private sector management principles to the country's public institutions. The government's contention was that if managers had more control over decisions involving pay and appointments, they would produce higher quality outputs. Consequently, the government made the vice-chancellors of each university the employer rather than the university councils, as had traditionally been the

case. In turn, the system of national bargaining was replaced by local university-based negotiations.

In 1991, the National Government replaced the *Labour Relations Act* with the *Employment Contracts Act*. The legislation attracted considerable international attention because it promoted a strict individual contract approach to the employment relationship and assumed that employers and employees had equal bargaining power. For academic staff, the *Act* gave employees the "freedom" to negotiate individual contracts outside of the local collective agreement. The intention was to introduce differentiated pay into the university system by weakening the trade unions representing staff.

The *Employment Contracts Act* was repealed in 2000 and replaced with the *Employment Relations Act* (ER), which has to some extent reintroduced a more moderate approach to labour market regulation. In contrast to the 1991 legislation, the *ER Act* encourages collective bargaining. Section 3 states that one of the principal objectives of the legislation is to encourage compliance with ILO Conventions 87 (Freedom of Association and Protection of the Right to Organize) and 98 (Right to Organize and Bargain Collectively).

The ER Act establishes for the first time in New Zealand a statutory duty to bargain in good faith. This duty applies to unions and employers bargaining for a collective agreement. The Act also allows for collective bargaining to take place at any level within the labour market, including nationally and at the level of specific enterprises. This opens the door for multi-employer collective bargaining.

This year, the Association of University Staff and six other unions representing university staff have initiated bargaining for two new national collective employment agreements: one for academic staff and the other for general staff. These agreements would replace the current enterprise-based collective agreements negotiated at each of the seven universities. Negotiations were scheduled to get underway in April, but have been delayed by the actions of the University of Auckland, which has refused to enter national bargaining.

Salaries

It's been widely recognized that, relative to their international colleagues, academic staff in New Zealand are poorly paid. Over the past decade and when adjusted for inflation, salary scales of academic staff in New Zealand have risen very modestly. As illustrated in table 4.3, the minimum scale for a lecturer rose by 4.6% between 1994 and 2003. Scales for other ranks rose more slowly (table 4.3).

Table 4.3: Academic staff salaries by rank, 1994-2003, New Zealand (constant 2003 $NZ)						
	1994	**1996**	**1998**	**2000**	**2003**	**% change**
Lecturer (min)	$48.093	$46,847	$48,840	$49,071	$50,285	4.6%
Lecturer (max)	59,712	58,153	60,639	60,926	61,388	2.8
Senior Lecturer (min)	62,652	61,016	63,625	63,926	64,004	2.2
Senior Lecturer (max)	81,139	79,021	82,400	82,790	82,909	2.2
Associate professor (min)	82,440	80,297	83,720	84,117	83,219	0.9
Associate professor (max)	90,901	88,527	92,312	92,750	92,222	1.5
Professor (min)	93,857	91,406	95,315	95,766	95,412	1.7

Source: Association of Commonwealth Universities.

Notably, salary levels in New Zealand lag behind those in Australia. When measured in Comparative Price Levels, the difference is particularly pronounced at the lower ranks and at the minimum level for a professor (table 4.4). Only at the rank of associate professor do salaries remain competitive with their Australian colleagues.

Table 4.4: Academic salary levels by rank, New Zealand and Australia (Comparative Price Level Index)			
	New Zealand ($NZ)	**Australia (CPL $NZ)**	**% difference**
Lecturer (min)	50,285	56,903	13.2
Lecturer (max)	61,338	66,883	9.0
Senior lecturer (bar)	74,621	79,503	6.5
Associate professor (min)	83,219	83,006	-0.3
Associate professor (max)	92,222	91,418	-0.9
Professor (min)	95,412	106,843	12.0

Source: Association of University Staff (New Zealand)

The AUS has also noted that New Zealand's academic staff also fare poorly in terms of benefits. Superannuation is an area of significant difference where employer contributions in New Zealand lag behind Australia by between 7.25% and 10.25%.[37]

Academic Freedom and Tenure

The Education Act of 1989 provides for legal recognition of academic freedom in New Zealand. The Act states:

1) It is declared to be the intention of Parliament in enacting the provisions of this Act relating to institutions that academic freedom and the autonomy of institutions are to be preserved and enhanced.
2) For the purposes of this section, "academic freedom", in relation to an institution means:

[37] AUS, *National Bargaining Resource Kit*, September 29, 2003. p. 6.1.

a. The freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions;
b. The freedom of academic staff and students to engage in research;
c. The freedom of the institution and its staff to regulate the subject matter of courses taught at the institution;
d. The freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning;
e. The freedom of the institution through its chief executive to appoint its own staff.

This legislative protection for academic freedom has proven extremely important, particularly during the hostile political climate of the 1990s. However, other parts of the *Act* significantly undermined key supports for academic freedom, such as collegial governance structures. The *Act* enhanced the power of governing councils and vice-chancellors at the expense of the decision-making powers of academic bodies within institutions. While the *Act* did require that councils consult with their academic boards before altering or adopting any academic policy, in most cases this was treated as a mere formality.

In addition, the series of reforms introduced by governments over the past two decades resulted in an unprecedented intrusion over university affairs and an assault on academic freedom. At the same time as it cut public funding to universities, the central government imposed more and more bureaucratic controls over institutions and staff. Control was exerted by requiring university "corporate plans" to be approved by government and by the imposition of more and more performance indicators linked to funding.

Academic staff in New Zealand, in theory at least, have tenure rights comparable to their colleagues in other countries. After a probationary period, faculty may be awarded continuing contracts and can only be terminated for just cause such as persistent neglect of duties or gross incompetence. Dismissals can be appealed with the onus on the university employer to prove the merits of the termination.

Nevertheless, the existence of tenure has not in practice prevented employers from trying to dismiss staff for reasons other than neglect or incompetence. The increasingly private and commercial nature of universities has come into conflict with principles of academic freedom and tenure. Some administrators have argued that criticizing the institution hurts its "brand name" and should therefore be prohibited. The Vice-Chancellor of Auckland University went so far as to threaten academic staff with immediate dismissal if they spoke disparagingly of the institution or their colleagues.[38]

In other cases, dismissals justified on the grounds of financial exigency have raised concerns about the extent to which academic staff are protected by tenure. At issue is whether the administration can unilaterally institute program changes that result in the

[38] David Cohen, "New Zealand scholars complain of muzzles," *The Chronicle of Higher Education*, may 3, 2002.

termination of faculty. The courts dealt with this matter in 1998 when the Vice-Chancellor of Waikato took the step of amalgamating some programs and eliminating staff. The court found that he did not have the right to act unilaterally and that he was required, under the *Education Act*, to consult the academic board or senate in a meaningful way.[39]

Conclusion

The 1990s represented a dark period for academic staff in New Zealand as the country became a laboratory for extreme neo-liberal reforms. Universities were encouraged to operate on an increasingly commercial basis in competition with private providers. Strict accountability mechanisms were established to consolidate government control. Labour legislation was introduced that for a time decimated the trade union movement.

One consequence of this has been the relative decline in the status of faculty in New Zealand when compared with other jurisdictions. Salaries have fallen significantly behind those in Australia and the rest of the Anglo-American world.

[39] Savage, *op. cit*., pp. 62-63.

5. The United Kingdom

Table 5.1: Selected economic and social indicators, United Kingdom		
	Value	**Year**
Population	59,553,700	2003
GDP per capita ($US PPP)*	$29,800	2003
Male life expectancy at birth (years)	75.5	2003
Female life expectancy at birth (years)	80.4	2003
Unemployment rate	4.8%	2004
Inflation rate	1.3%	2004
Unionization rate	26.0%	2004
Public spending on tertiary education institutions (% of GDP)	0.8%	2001
Private spending on tertiary education institutions (% of GDP)	0.3%	2001
Tertiary participation rate (% of 25 to 34-year old population)	31%	2002

**Converted to US dollars using the OECD purchasing power parity (PPP) index.*
Sources: Office for National Statistics, OECD

Overview

There are 90 universities and 115 university institutions in the United Kingdom. The Higher Education Funding Council for England (HEFCE) is responsible for distributing funds for universities in Northern Ireland and England. Separate funding councils are responsible for institutions in Wales and Scotland.

There are two main types of universities in the United Kingdom: the "old" or "pre-1992" universities that derive their authority to grant degrees from a royal charter awarded at their foundation, and the "new" or "post-1992" universities, formerly polytechnic institutes, which owe their status to parliamentary legislation. Today, there remain some significant differences between the pre-1992 and post-1992 universities. The latter tend to have a more uniform character in terms of staff employment and salary structures. For the most part, academic staff in the post-92 institutions remain covered by a common set of salaries and terms of employment negotiated nationally.

Over the past two decades, there has been a marked increase in student enrolments that has not been matched by adequate increases in government funding. Beginning in the early 1980s, the central government began cutting funding, setting a pattern for the next two decades. Spending fell from £6,090 to £4,537 per full-time equivalent student.[40] Meanwhile, student enrolments grew rapidly, particularly between 1988 and 1993. This prompted the government to place a cap on any further growth in publicly funded full-time undergraduate student numbers. At the same time, almost all public funding for capital expenditures were cut in 1995.

[40] William Bruneau and Donald C. Savage, *Counting Out the Scholars: The Case Against Performance Indicators in Higher Education* (Toronto: James Lorimer & Company, 2002), p. 77.

At the same time as funding was sharply reduced, the higher education system was subject to increased government oversight and accountability which have eroded traditional university autonomy and professional self-regulation. In 1992, the Conservative government enacted the *Further and Higher Education Act* that replaced the old granting bodies with three higher education funding councils for England and Northern Ireland, Wales and Scotland.[41] There were two principal features of the legislation. The first was to create one unified higher education sector by abolishing the division between universities and polytechnics. The second was to effectively wrest control of quality assessment away from the universities by requiring the HEFCE to assess the quality of education in the institutions it funds. This was initially carried out by the Quality Assurance Division of HEFCE. In April 1997, however, this responsibility passed to a new body, the Quality Assurance Agency (QAA) for Higher Education.[42]

In addition, the allocation of resources within the system has been increasingly tied to government prescribed performance indicators. Funding for teaching is based on student enrolments. Research funding is based on a controversial assessment of quality every four to five years. For academic staff, these changes have dramatically refashioned the work they perform, leading some to suggest that the academic profession has undergone a process of "de-professionalization".[43]

University funding has increased modestly in recent years, but there has also been a marked shift toward user-pay financing. In a highly controversial move, the Blair government reintroduced tuition fees in 1998. In 2004, the Labour government enacted a new *Higher Education Act* that allows universities to set their own student fees, up to a defined amount. Institutions that wish to charge fees above this rate – "top-up fees" – will be able to do so if they have developed a plan to ensure access is not compromised. Plans must be approved by the new Director of Fair Access to Higher Education. Under the new rules, fees could rise from their current level of £1,100 to as high as £3,000 a year. Following the Australian model, the government is planning to make loans available on an income-contingent basis and with no real rate of interest to allow students to defer payment of fees.

Employment Status of Faculty

The number of full-time academic staff in the United Kingdom has risen steadily in recent years, up nearly 9% between 1995-96 and 2002-03 (see Table 5.2). The number of male full-time faculty actually fell, while the number of women increased by over 30%. The result is that today roughly 35% of full-time academics in the UK are women.

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[41] Previously, universities were funded by the Universities Funding Council (UFC) and polytechnics and colleges were funded by the Polytechnics and Colleges Funding Council (PCFC).

[42] Before the QAA, university vice-chancellors had created the Academic Audit Unit designed to ensure that universities maintained control over quality assessment and institutional audits. The exercise was quickly overtaken by the emergence of a succession of new state agencies to assess quality.

[43] Oliver Fulton, "Academic staff in the United Kingdom," *Employment and Working Conditions of Academic Staff in Europe*, ed. Jurgen Enders (GEW: Frankfurt am Main), October 2000, p. 224.

Table 5.2: UK academic staff, full-time, 1995-96 and 2002-03 by gender			
	Men	**Women**	**Total**
1995-96	78,055	32,165	110,220
2002-03	77,815	42,095	119,910
% change	-0.3%	30.9%	8.8%

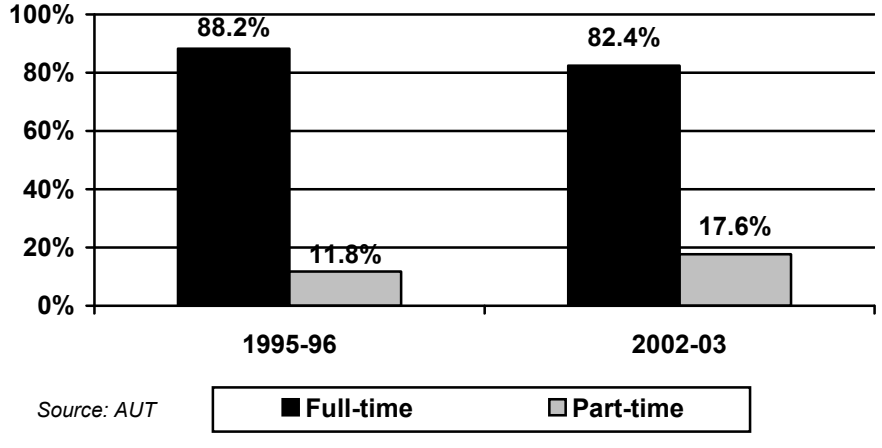
Source: AUT, The Unequal Academy

Despite these gains, however, women tend to remain poorly represented in senior ranks. In the pre-1992 institutions, for instance, women comprise only 13% of all professors.[44]

As in the rest of the Anglo-American world, the increasing use of contingent and part-time labour in universities has been a key trend in the UK. In 1995-96, nearly 15,000 UK academics were employed on a part-time basis, about 12% of the total. By 2002-03, that number rose to more than 25,000 or nearly 18% of the total number of academic staff (see figure 5.1).

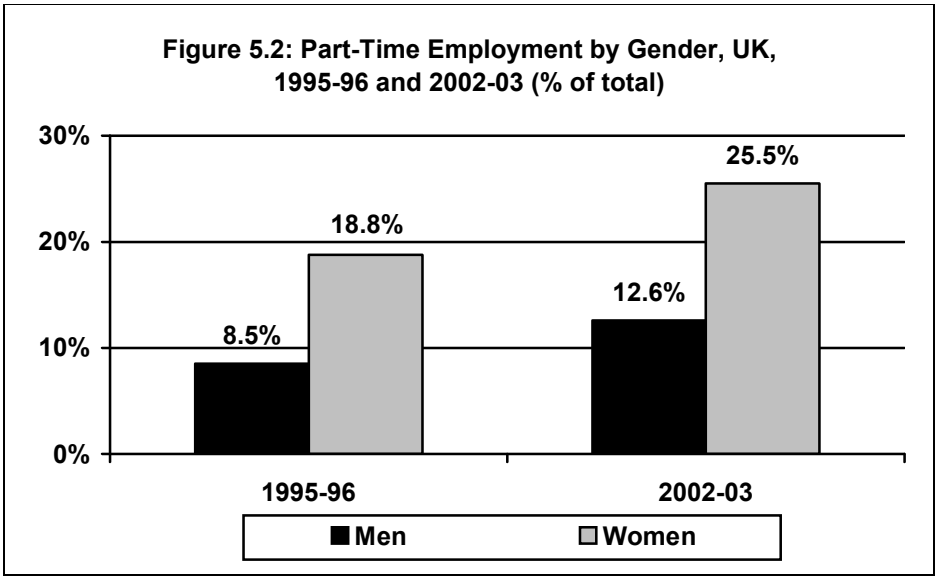
The overuse of fixed-term contracts in the UK, however, may be coming to an end. In 2002, the government, obliged by a European Union directive to improve the status of fixed-term employees, introduced the *Fixed-Term Employees Regulations*. This grants limited-term employees the right to be treated equally with permanent employees, including pay, pensions and working conditions. The regulations also allow for an employee on a fixed-term contract that is renewed or extended to become permanent after four years. This does not mean, however, that such an employee is automatically guaranteed a permanent position.

Figure 5.1: UK Academic Staff by Type of Employment, 1995-96 and 2002-03 (% of total)



[44] Association of University Teachers, *The Unequal Academy: UK academic staff 1995-96 to 2002-03* (London: AUT).

As shown in figure 5.2, women academics in the UK are far more likely to be employed on a part-time basis than their male colleagues. In 1995-96, about 19% of all female faculty were working part-time, compared to just 8.5% of men. By 2002-03, that gap grew as 25.5% of women were employed on a part-time basis compared to 12.6% of men.

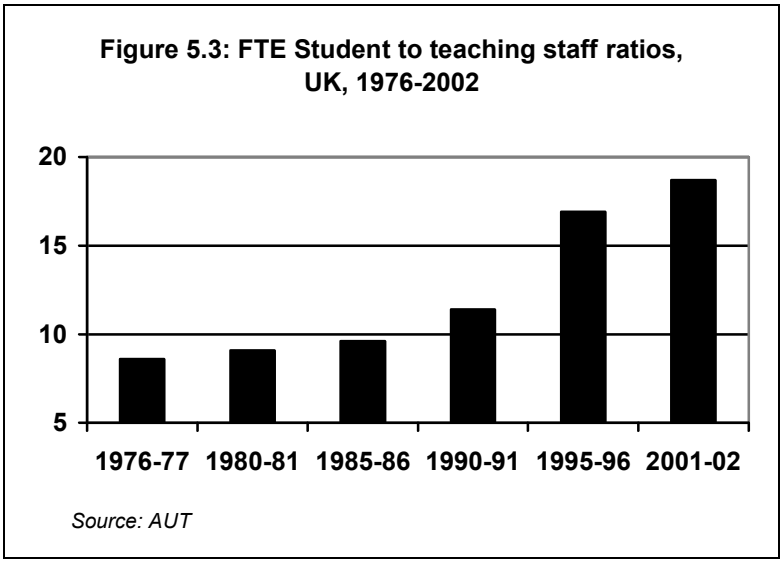


Women academics are also more likely to be employed on a fixed-term contract. In 2002-03, nearly half of women academics in the UK were on fixed-term contracts, compared with 38% of men.

While the overall number of faculty has grown, the rapid increase in enrolments over the past three decades has not been matched with a commensurate increase in the number of academic staff. As a result, student to staff ratios have more than doubled since the mid 1970s (figure 5.3).

One immediate consequence of this has been elevated levels of occupational stress reported by academics. In a survey of academic staff in 2004, half of the respondents reported borderline levels of psychological distress. Almost one-half of respondents said that their workloads were unmanageable. Although many academic and related staff reported high levels of job satisfaction, nearly half have seriously considered leaving higher education. In addition to larger classes, one principal factor identified as adding to job-related stress is the growing pressure to bring in research funding and to perform successfully in the Research Assessment Exercise.[45]

[45] Gail Kinman and Fiona Jones, *Working to the Limit: Stress and work-life balance in academic and academic-related employees in the UK* (London: Association of University Teachers, 2004).



Collective Bargaining Rights

Collective bargaining and trade union rights in the United Kingdom are governed by the *Employment Relations Act* of 2004. The Act amended a number of previous statutes and strengthened measures to prevent the intimidation of workers during recognition and de-recognition ballots. It also increased the protections against the dismissal of employees engaged in legal strike actions, clarified issues surrounding the determination of the appropriate bargaining unit, and allowed unions to communicate with workers at an earlier stage in the process of union recognition.

In the immediate post-War period, academic salary levels in the UK were negotiated and governed through the University Grants Committee (UGC), a branch of Treasury. The UGC consulted with the Committee of Vice-Chancellors and Principals (CVCP) on salary matters. In turn, the Association of University Teachers (AUT) was invited to provide advice to the CVCP, but the committee was not bound by that advice.

In the 1960s, this system gave way to a more traditional collective bargaining approach. The UGC was transferred from Treasury to the new Department of Education and Science and stripped of its authority to determine salaries. A new body, the University Authorities Panel (UAP) comprised of university vice-chancellors and lay members of university governing bodies, was established to make recommendations to the government on salaries. The UAP directly negotiated with the AUT, which had now certified as a trade union. In 1987, the UAP was replaced with the University and College Employers Association (UCEA) representing all higher education institutions. The UCEA negotiates pay for all staff, academic and non-academic alike.

A national pay framework or "spine" is used to determine salaries. Once the general framework is agreed, negotiations take place with staff and administrators at individual institutions. In 2004, the AUT, the National Association of Teachers in Further and Higher Education (NATfHE), and the Education Institute of Scotland negotiated a new

pay spine with the UCEA. During subsequent local negotiations, a major dispute erupted between the AUT and the University of Nottingham over the degree of flexibility allowed for under the national framework. The university was intent on introducing performance related pay. This prompted AUT to declare an academic boycott of Nottingham that was eventually removed once the university agreed to continue negotiations based on the national framework.

Salaries

Salary levels in the United Kingdom are relatively uniform, particularly when compared with the United States. Salary scales are long with staff progressing through the scale on an annual basis. In addition to set salary scales, there are also individual merit-based increments awarded to staff on a competitive basis, but these remain very small. Attempts to introduce more extensive merit-based pay schemes have been met with stiff opposition from academic staff unions.

In the past decade, two major reports have raised serious concerns about the levels of pay and the conditions of work of academics in the UK. Both the Dearing Report[46] (1997) and the Bett Report[47] (1999) recognized that the majority of academic staff are paid substantially below comparable public and private sector rates. When adjusted for inflation, the earnings of all academic staff in the UK increased just 6.6% between 1994 and 2003 (table 5.3). This is about 6 points behind the average increase in the public sector and well behind increases enjoyed by other comparable groups.

Table 5.3: Change in real average weekly earnings by profession, 1994-2003, United Kingdom (1994=100)

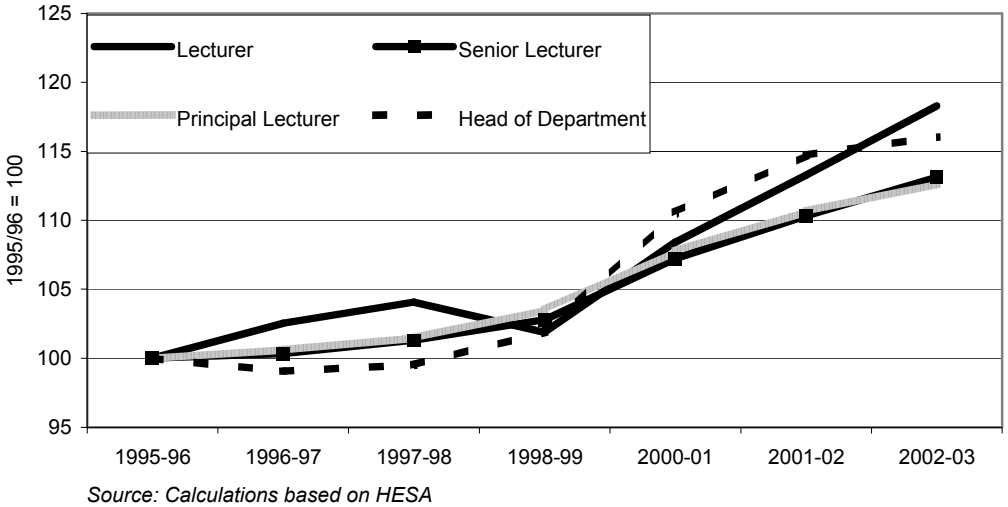
[46] The National Committee of Inquiry into Higher Education, chaired by Sir Ron Dearing, was appointed in 1996 to make recommendations on how the purposes, shape, structure, size and funding of higher education, including support for students, should develop to meet the needs of the United Kingdom over the next 20 years.

[47] The Independent Review of Higher Education Pay and Conditions was established by the employers in response the Dearing Inquiry's recommendation that a review be undertaken of the framework for determining pay and conditions. The Committee comprised five union, five employer and five independent representatives plus Sir Michael Bett (Chair).

	Higher education	Secondary school teacher	Senior Managers	ICT professionals	Medical practitioners	Accountants	Public sector average
1994	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1995	99.6	98.4	103.8	97.5	99.1	97.1	100.1
1996	96.3	98.7	106.0	99.4	103.2	99.8	102.0
1997	99.4	99.4	108.6	102.7	107.6	102.5	103.4
1998	100.5	97.9	106.7	101.6	107.2	103.1	102.2
1999	100.7	101.2	112.3	102.4	111.5	107.3	104.5
2000	99.7	102.0	109.6	102.6	109.5	104.4	104.7
2001	100.7	108.8	113.8	108.4	122.6	114.1	109.3
2002	103.8	111.8	119.2	109.2	127.6	115.9	111.5
2003	106.6	112.3	131.6	122.3	126.6	112.1	112.6

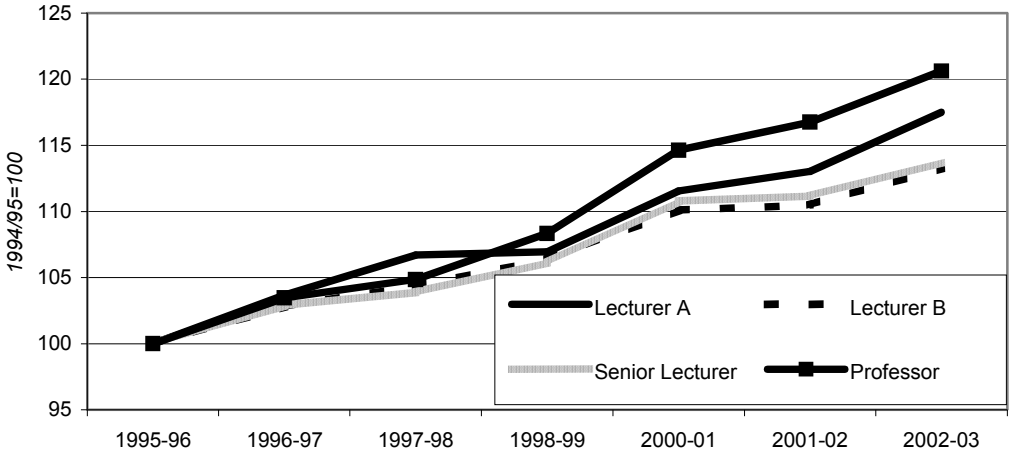
Source: AUT

Figure 5.4: Real change in average salaries of full-time academic staff, post-92 universities, United Kingdom (1995/06 =100)



Source: Calculations based on HESA

Figure 5.5: Real change in average salaries of full-time academic staff, pre-92 universities, United Kingdom (1994/95=100)



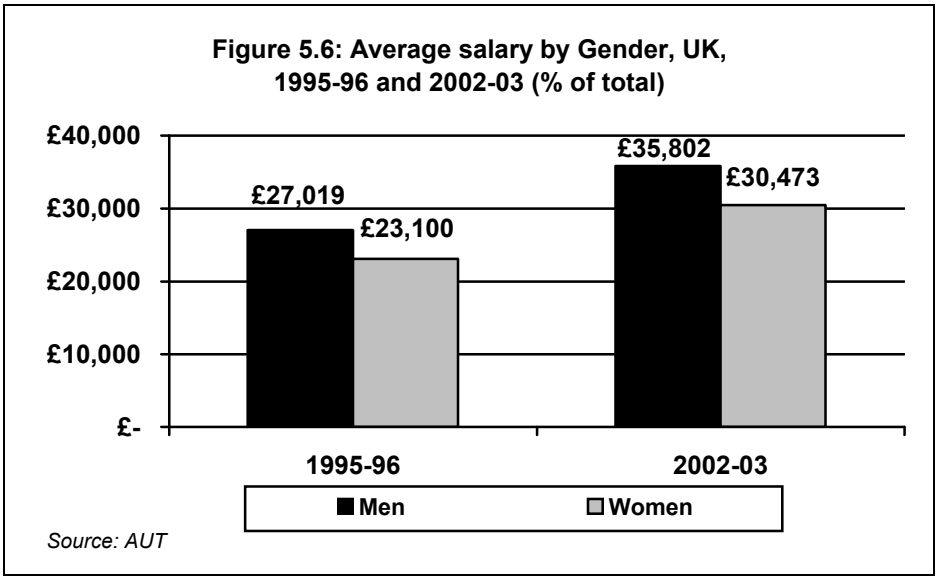
Source: Calculations based on HESA

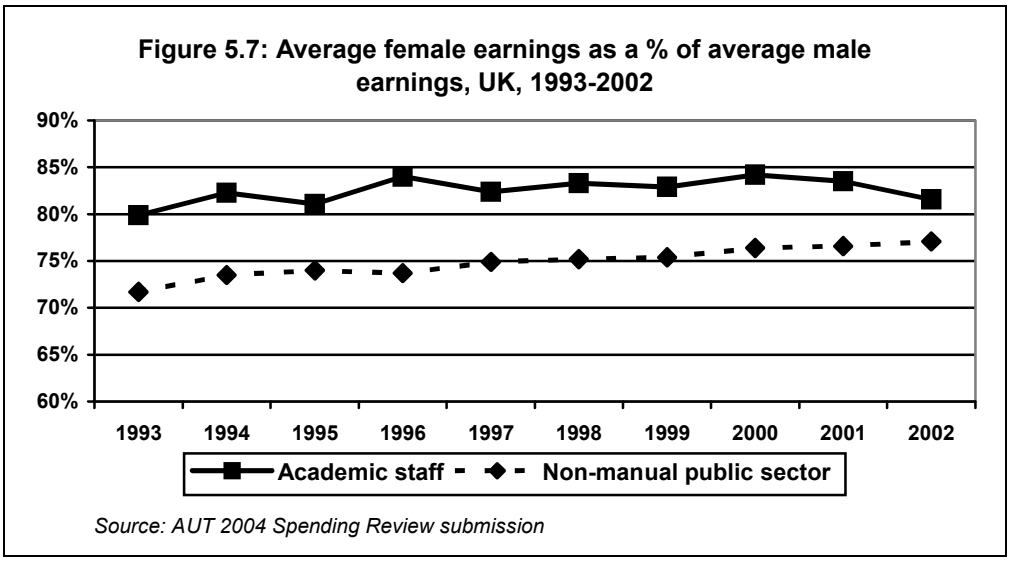
Table 5.4: Average salary of full-time academic staff by grade and location, UK, 1995/96-2002/03 (constant £2002)

	1995/96	1997/98	2000/01	2001/02	2002/03	% change
Post-92 institutions						
Lecturer	£19,281	£20,061	£20,898	£21,839	£22,807	18.3%
Senior lecturer	£26,634	£26,982	£28,557	£29,386	£30,127	13.1%
Principal lecturer	£31,670	£32,133	£34,129	£35,047	£35,676	12.6%
Head of department	£37,701	£37,516	£41,682	£43,256	£43,752	16.0%
Pre-92 institutions						
Lecturer A	£18,951	£20,219	£21,136	£21,415	£22,267	17.5%
Lecturer B	£26,388	£27,540	£29,054	£29,157	£29,886	13.3%
Senior Lecturer	£32,346	£33,605	£35,832	£35,960	£36,780	13.7%
Professor	£41,165	£43,164	£47,183	£48,062	£49,653	20.6%

Source: Calculations based on HESA.

Women academics continue to earn significantly less than their male counterparts. In 1995-96, female full-time academics earned on average 85.5% of the salary of full-time male academics – a pay gap of 14.5%. In 2002-03, women earned 85.1% of the salary of men, pushing the pay gap up slightly to 14.9% (figure 5.6). While the pay gap is narrower for women academics, the increase in the gap between 1995-96 and 2002-03 runs counter to the trends experienced in the broader public sector (figure 5.7).





There are also pay gaps between white and ethnic minority staff. In 2001-02, the average salary for white full-time academic staff of UK nationality was £33,999 compared with £31,629 for non-whites of UK nationality. For all nationalities, full-time white academics earned £33,232 on average, compared with £28,783 for non-whites – a 13% pay gap.[48]

[48] AUT, *2004 Spending Review submission*.

Academic freedom and tenure

Until the 1980s, British academics enjoyed comparatively strong tenure rights. Faculty could only be removed for "good cause." Definitions of "good cause" varied between universities, but it was generally taken to mean a serious dereliction of duty or conduct of a highly improper or criminal nature. No university statutes made provision for redundancy based on financial exigency.

With the arrival of the Thatcher government in the 1980s and the specter of deep expenditure cuts, there arose a new preoccupation with tenure in the United Kingdom. Since more than 50% of university expenditures at the time were on tenured academic staff, the ability of university managers to deal with funding reductions was limited. Initially, the government responded to the problem by providing funding for early retirements.

The early retirement program proved to be more costly than first imagined. In 1988, the government took a new tact in its attempts to control labour costs by moving to end the traditional tenure system in the UK. The *Education Reform Act* required all universities to include in their employment contracts a provision allowing for the dismissal of "…any member of the academic staff by reason of redundancy."[49] Redundancy was defined in the *Act* as a moment when "…the institution has ceased or intends to cease, to carry on the activity for the purposes of which he [sic] was appointed or employed by the institution…" or when "…the fact that the requirements of that activity for members of staff to carry out work of a particular kind…have ceased or diminished or are expected to cease or diminish."[50]

The proposal sparked protests from academics concerned they would lose their academic freedom protections. The fear was entirely justified. Under the new provisions, it was conceivable that universities could, either implicitly or explicitly, declare redundant any staff who spoke out on controversial matters or who were otherwise deemed troublesome. Such concerns prompted an amendment to the Bill introduced in the House of Lords. The government agreed to change the legislation to specify that academic staff have the "freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions."[51]

The weakening of tenure in the UK has to date had relatively little impact in practice on staff in the pre-92 universities.[52] Perhaps because of the continuing availability of early

[49] The new provisions apply only to post-1988 appointments and promotions.
[50] *Education Reform Act*, 1988, IV, 203, 5).
[51] *Education Reform Act*, 1988, IV, 202, 2) a).
[52] It should be emphasized that staff in the post-92 universities never had tenure and it is a condition of their employment contracts that they can be dismissed with just three month's notice for reasons of falling enrolments or financial shortfalls.

retirement incentives, dismissals on grounds of redundancy have been extremely rare. Nevertheless, there have been a number of recent cases worth noting. Controversy erupted earlier this year at Brunel University when the administration, in what it said was an attempt to improve its standings under the Research Assessment Exercise, declared its intention to make up to 60 positions redundant. In response, the AUT launched a "greylisting" campaign against Brunel to encourage the international academic community to severe any formal ties with the institution.

Finally, the United Kingdom has introduced new anti-terrorism legislation that many feel could compromise academic freedom. The legislation makes it a crime to "encourage and glorify" terrorism, to "disseminate terrorist publications", and to provide "training for terrorism." The AUT has objected to these provisions on the ground that it could directly affect the ability of academic staff to teach and research certain subjects. It may be the case, for instance, that prohibitions against glorifying terrorism could affect what a lecturer could or could not say to students about sensitive political or historical subjects. Similarly, legal restrictions against the dissemination of terrorist materials could affect the ability of researchers to use and distribute certain materials.[53]

Conclusion

The higher education system in the United Kingdom has undergone tremendous changes over the past decade. The Thatcherite revolution began the process whereby universities were to be transformed by market forces into entrepreneurial entities fully responsive to the needs of their consumers. This was accompanied by the creation of a complicated and intrusive accountability regime that gave the central government increasing power to monitor and micro-manage virtually all aspects of academic affairs. Today, universities, traditionally decentralized and largely autonomous from government, have become more and more tightly controlled and subject to increasing degrees of bureaucratic oversight and interference. Teaching and research are increasingly subject to assessment based on externally imposed performance indicators.

For academic staff, this revolution had dramatic consequences. There was a long-term decline in salaries and an increase in workloads and stress. Decades of underinvestment in the UK's higher education system also led to a large increase in the use of part-time staff. By the end of the century, it was widely recognized that the academic profession was in crisis.

Some improvements, however incremental they may be, are now being made. Salaries have begun to rise faster than the rate of inflation in recent years. New regulations that will soon be in force will, with continuing pressure from academic staff unions, discourage the over-use and exploitation of part-time staff. The recently announced creation of a new higher education union to unite AUT and NATfHE will give academic staff a powerful new voice. There remain serious challenges, particularly with regard to

[53] The Association of University Teachers, *The Terrorism Bill and Academic Freedom*, October 2005. Available on-line at: http://www.aut.org.uk/media/pdf/5/9/terrorbill_parlbriefing.pdf

the impact of user-pay financing on higher education. But overall, there is good reason today for academic staff in the UK to remain cautiously optimistic.

6. The United States of America

Table 6.1: Selected economic and social indicators, United States		
	Value	**Year**
Population	295,927,683	2005
GDP per capita ($US)	37,600	2003
Male life expectancy at birth (years)	74.4	2002
Female life expectancy at birth (years)	79.8	2002
Unemployment rate	5.5%	2004
Inflation rate	2.7%	2004
Unionization rate	12.4%	2004
Public spending on tertiary education institutions (% of GDP)	0.9%	2001
Private spending on tertiary education institutions (% of GDP)	1.8%	2001
Tertiary participation rate (% of 25 to 34-year old population)	39%	2002

Sources: U.S. Census Bureau: U.S. Department of Labor; OECD

Overview

The American higher education system is vast, varied and decentralized. There are more than 4,000 institutions of higher learning in the United States, ranging from four-year research universities to comprehensive universities, undergraduate colleges and two-year community colleges. At the same time, private non-profit, for-profit and public institutions co-exist, with considerable variations amongst institutions in terms of size, quality and mission. Over 15 million students attend American colleges and universities, with the vast majority – close to 12 million – studying at the nation's approximately 1,700 public colleges and universities.

State governments are primarily responsible for education at all levels, although the federal government plays a significant role in funding higher education research and student financial assistance. As a result of its decentralized features, the financial support and organizational structure of higher education can vary sharply between states. On average, however, state and local support for public and private institutions on a per-student basis remained unchanged in constant dollars between 1992 and 2002. In fact, four-year public institutions have seen a slight increase in support. Over the same period, there has also been an increase in federal grants to research universities.

Nevertheless, there are some troubling signs emerging. Higher education's share of overall state budgets continues to shrink in most states. Federal and state appropriations for public institutions fell from about 47% of total revenues in 1980/81, to 33% in 2000/01. Tuition fees rose from 12.9% to 18.1% of total revenues over this period.[54]

The economic slowdown in 2001 and 2002 has also affected higher education. In the public sector, falling tax revenues has led to fiscal retrenchment and sharp increases in tuition. Some institutions have laid-off staff and cutback programs, course offerings and

[54] US Department of Education, National Center for Education Statistics, *Higher Education General Information Survey* (1980-81) and *Integrated Postsecondary Education Data System* (Spring 2002).

student services. The private sector has also suffered from the economic downturn as a number of private institutions have been forced to close their doors.[55]

Employment Status of Faculty

In the past 20 years, faculty employment patterns in the United States have shifted dramatically. Where once the profession was dominated by those holding full-time tenured or tenure-track positions, today nearly one-half of the academic workforce nationwide is employed part-time and the majority is not on the tenure track.

In 2003, there were nearly 1.2 million faculty in the United States (table 6.2). Of the total, about 54% were employed on a full-time basis. Women made up just over 39% of all full-time faculty, but accounted for 48% of part-time appointments. Women are also under-represented in the most senior academic ranks – only 28% of full professors are women but women account for more than half of instructors and lecturers (table 6.3).

Table 6.2: Academic staff by employment status and gender, United States, 2003

	Men	Women	Total	Women as % of total
Full-time	382,232	248,187	630,419	39.4%
Part-time	281,918	261,219	543,127	48.1%
All academic staff	664,150	509,406	1,173,556	43.4%

Source: US Department of Education, National Center for Education Statistics

Table 6.3: Women as a percentage of total faculty by rank and institutional type, 2003

	Public	Private	Total
Professor	29.9	24.2	28.2
Associate professor	41.9	39.3	41.1
Assistant professor	47.9	46.8	47.6
Instructor	57.3	55.6	56.9
Lecturer	57.2	54.0	56.2
No rank	51.8	43.9	48.9

Source: US Department of Education, National Center for Education Statistics

In addition, women were much more likely than men to hold full-time positions without tenure. As shown in table 6.4, half of men employed full-time held tenure, but only 36% of women were employed with tenure.

[55] See John Gravos, "William Tyndale college to close its doors," *Chronicle of Higher Education*, December 3, 2004; Megan Rooney, "Private 2-year college in Mississippi closes," *Chronicle of Higher Education*, August 1, 2003.

Table 6.4: Total full-time faculty and full-time faculty with tenure by gender, United States, 2003			
	Total	With tenure	% with tenure
Men	382,232	193,023	50.5%
Women	248,187	89,406	36.0%

Source: US Department of Education, National Center for Education Statistics

Since 1993, the total number of faculty in the United States has increased by more than 35% (table 6.5). However, this was driven almost entirely by the growing use of contingent academic staff. The number of part-time faculty increased by nearly 52% and the number of faculty employed full-time off the tenure stream jumped 50%. By contrast, the number of full-time faculty with tenure or on the tenure-track rose by just 4.8%. By 2003, just 35% of all faculty in the United States held full-time positions with tenure or leading to tenure, a decline from 45% from 1993 (table 6.6). Put another way, nearly two-thirds of all faculty are now employed on a contingent basis.[56]

Table 6.5: Number of faculty by employment status, United States, 1993 and 2003			
	1993	2003	% change
Full-time tenured or on tenure-track	392,210	411,031	4.8%
Full-time non-tenure track	146,274	219,388	50.0%
Part-time/adjunct faculty	358,313	543,137	51.6%
Total	866,797	1,173,556	35.4%

Source: US Department of Education, National Center for Education Statistics

Table 6.6: Percentage distribution of faculty by employment status, United States, 1993 and 2003		
	1993	2003
Full-time tenured or on tenure-track	45.2%	35.1%
Full-time non-tenure track	16.9%	18.7%
Part-time/adjunct faculty	41.3%	46.3%

Source: US Department of Education, National Center for Education Statistics

Amongst faculty employed on a full-time basis, there has been a significant increase in the numbers of those appointed off the tenure track. As shown in Table 6.7, of the share of all full-time faculty, those not on the tenure track rose from just over 27% in 1993 to nearly 35% by 2003. Over the same period the share of faculty holding tenure dropped from 51.7% to 44.8%.

[56] In fact, the data on contingent appointments may actually be an underestimation. Many contingent appointments in the U.S. are made at the departmental level and many are not likely to be counted in institutional reports. As well, many contingent appointments can be hidden as "fellowships" or "visiting professorships."

Table 6.7: Percentage distribution of full-time faculty by tenure status, United States, 1993 and 2003			
	Tenured	On tenure-track	Not on tenure-track
1993	51.7%	21.1	27.2
2003	44.8%	20.4	34.8

Source: US Department of Education, National Center for Education Statistics

Several factors appear to be driving the increased employment of contingent faculty, including increased managerial "flexibility" and institutional cost-savings. Facing budget constraints and increased student enrolments, higher education institutions have increasingly staffed courses with part-time and limited term faculty who, on average, receive far lower salaries and fewer (if any) benefits than their full-time tenured or tenure-track colleagues. Part-time academic staff, as shown in Table 6.8, were paid an average of just $US 12,595 in 1999, compared to $US 57,802 earned by full-time faculty. In other words, part-time faculty earn on average about 4.6 times less than their full-time colleagues. At the same time, as illustrated in Table 6.9, part-time faculty work about 3.2 times fewer hours – 14.1 hours a week versus 45.8 hours for full-time professors. On average, part-timers teach just one less course then full-timers.

Table 6.8: Average basic faculty compensation by institution type and employment status, 1999		
	Part-time	**Full-time**
All institutions	$12,595	$57,802
Doctoral granting	19,327	70,036
Other four-year	10,920	49,030
Two-year	9,898	44,608

Source: U.S. Department of Education, National Center for Education Statistics.

Table 6.9: Average faculty workload by employment status, United States, 1999					
	Years in current position	**Hours worked per week**	**Number of classes taught**	**Number of credit hours**	**Number of students taught in credit courses**
Part-time	7.3	14.1	2.1	8.0	51.0
Full-time	12.2	45.8	3.1	10.8	90.1
Total	10.3	33.6	2.7	9.7	74.7

Source: U.S. Department of Education, National Center for Education Statistics.

Another factor influencing the rise in contingent employment in U.S. higher education may stem from a desire on the part of governments and administrators to change the power balance within colleges and universities. Tenured faculty have a significant degree of authority within American institutions to influence educational policy and hiring decisions. That power allows them to resist, to varying degrees, managerial interference over their work. In fact, this control over the work they perform has been a critical feature of academic labour and is a key foundation of academic freedom. Arguably, as the share of tenured and tenure-track faculty has declined, so too has

faculty's role in university governance and their control over their work. This, it has been argued, is increasing the power of academic managers:

> What we are witnessing is more than just a short-term managerial commitment to cheaper employees in tight financial times; rather, it is the emergence of a new model of service delivery in higher education. We are seeing a commitment to a new model of employment (part-time) in delivering educational services that matches the so-called "temping" of employees in the broader workforce, particularly in service sectors of the new economy. Given the almost complete lack of professional protections and provisions for part-time and contingent faculty members and their inability to participate in academic governance – at least in the absence of a union – this shift in professional employment accords substantially greater influence to academic managers in all sorts of curricular matters.[57]

Collective Bargaining Rights

Where collective bargaining is permitted in the United Sates, contract negotiations in the higher education sector take place at the local institution level, or in some cases in the public sector at a statewide level. The overall share of academic staff who are members of unions is comparatively low, and varies widely between two- and four-year institutions, between states, and between the public and private sectors. In 1998, just fewer than 37 per cent of all full-time faculty were members of a collective bargaining unit. For four-year institutions, this figure was just 30.6 per cent compared to 62.6 per cent at two-year institutions.[58]

At public universities and colleges, the extent and coverage of collective bargaining rights varies between states. Only about half the states provide recognition in law of the right of faculty in the public sector to organize and bargain collectively. The remaining states either prohibit collective bargaining in the public sector or permit only voluntary recognition.

Collective bargaining rights are even more limited in the private sector. In a controversial 5-4 decision in 1980, the U.S. Supreme Court declared in *Yeshiva*[59] that faculty at Yeshiva University performed the functions of managers and were therefore excluded from the scope of the *National Labor Relations Act*.[60] According to the Court:

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[57] Gary Rhoades and Sheila Slaughter, "Academic Capitalism and the New Economy: Challenges and Choices," *American Academic* vol. 1 n. 1 (June 2004), p. 50.
[58] Department of Education, *National Survey of Postsecondary Faculty*, 1998.
[59] *National Labour Relations Board v. Yeshiva University*, 444 U.S. 672 (1980).
[60] Although the Act applies in general to "all employees," certain groups of workers are excluded from its provisions, either by express statutory language in the Act and its amendments or by Board or judicial interpretation. Included in the range of excluded workers are: supervisors and managers, independent contractors, domestic employees, agricultural workers and federal, state and local government employees. In the case of government employees, other federal and state statutes provide bargaining rights and procedures in some cases, though 12 states have no provision for collective bargaining for state employees.

> Their [faculty] authority in academic matters is absolute. They decide what courses will be offered, when they will be scheduled, and to whom they will be taught…. On occasion their views have determined the size of the student body, the tuition to be charged, and the location of a school. When one considers the function of a university, it is difficult to imagine decisions more managerial than these. To the extent the industrial analogy applies, the faculty determines within each school the product to be produced, the terms upon which it will be offered, and the customers who will be served.[61]

The *Yeshiva* decision brought to a near halt all faculty unionization efforts in the private sector. Today, unions represent only about one-quarter of full-time faculty in four-year private institutions.[62] Academic staff in the private sector can still bargain collectively, but only if they receive the consent of the administration or, more rarely, if they can convince the National Labor Relations Board (NLRB) they are not part of management.

Nevertheless, there have recently been a number of drives by faculty to organize unions at private institutions. The results have been mixed. Attempts to unionize faculty at Sage Colleges and Sacred Heart University in 2001 were thwarted by NLRB rulings that found, as in *Yeshiva*, that faculty were managerial employees. However, union drives post-*Yeshiva* were successful at a number of other institutions where the NLRB ruled that professors are not managerial employees because they exercise only an advisory and not governance authority.[63]

The organization of part-time and other contingent staff has been a major focus of the national faculty unions and associations in the United States: the American Association of University Professors (AAUP), the American Federation of Teachers (AFT), and the National Education Association (NEA). While full-time faculty at private institutions who wish to establish collective bargaining units are forced to clear the hurdle of *Yeshiva*, part-time faculty have been found by the NLRB not to be managerial employees because they are seen to be "hired essentially as consultants to perform a specific task."[64]

There is little recent data available on the number of part-time faculty covered by collective agreements. However, a 1996 report by the National Center for the Study of Collective Bargaining in Higher Education and the Professions found that about 225 institutions have unions that jointly represent full- and part-time professors, while about 80 institutions have separate bargaining units representing about 18,000 part-time professors.[65]

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[61] 444 U.S. at 686

[62] Donald C. Savage, *Academic tenure and its functional equivalent in post secondary education* (Geneva: International Labour Office, 2003), p. 18.

[63] See Donna Euben and Thomas P. Hustoles, "Collective Bargaining: Revised and Revisited," (Washington: American Association of University Professors, 2001). Available at: http://www.aaup.org/Legal/info%20outlines/legcb.htm

[64] *University of San Francisco*, 265 NLRB 1221 (1982).

[65] Courtney Leatherman, "Faculty unions move to organize growing ranks of part-time professors," *The Chronicle of Higher Education* (Feb. 17, 1998).

Recent unionization efforts in the U.S. have also focused on graduate students and teaching assistants. Such drives had been hampered by NLRB rulings that held that the definition of an employer under the *Act* excluded students who are performing work related to their educational program. However, in 2000 the NLRB ruled in a case involving New York University[66] that graduate teaching assistants are employees because they provide and are compensated for services under the control of the employer.

This decision led to a series of organizing drives across the country, but in 2004 the NLRB, now controlled by a majority of Republicans, overturned the earlier ruling. In a split decision involving Brown University,[67] the majority found that the primary relationship between graduate assistants and the university is an educational one, rather than an economic one. In addition, and more troubling, the majority also argued that extending collective bargaining rights to graduate assistants would have a "deleterious effect on overall educational decisions by the Brown faculty and administration" and thereby undermine academic freedom by intruding upon "decisions over who, what and where to teach or research – the principal prerogatives of an educational institution like Brown."

Salaries

Table 6.10: Average salaries of full-time faculty on 9/10 month contracts by year and rank, United States (constant 2003-04 dollars)*

	All ranks	Professor	Associate	Assistant	No rank
1993-94	$58,849	$77,013	$57,420	$47,709	$51,528
1994-95	$59,196	$77,336	$57,586	$47,763	$50,820
1995-96	$59,145	$77,409	$57,494	$47,587	$51,701
1996-97	$59,559	$77,956	$57,634	$47,553	$51,768
1997-98	$60,310	$79,087	$58,484	$48,137	$51,621
1998-99	$61,349	$80,722	$59,745	$49,012	$51,910
1999-00	$61,604	$81,885	$59,966	$49,483	$52,159
2001-02	$62,495	$84,440	$61,346	$50,946	$48,603
2002-03	$62,787	$85,354	$61,810	$51,664	$47,368
2003-04	$62,671	$85,363	$61,749	$51,826	$47,860
% change 1993-94 to 2003-04	6.5%	10.8%	7.5%	8.6%	-7.1%

Source: U.S. Department of Education, NCES, IPED Salary Survey; National Education Association, Almanac of Higher Education, 2005.
** No data available for 2000-01.*

Average salaries of full-time faculty members on 9/10 month contracts[68], when adjusted for inflation, rose by 6.5 % over the ten-year period from 1993-94 to 2003-04 (see Table

[66] *New York University and UAW*, 332 NLRB 1205 (2000).
[67] 342 NLRB 42 (2004).
[68] Data collected on faculty salaries in the U.S. include separate reports for faculty members employed on 9 or 10 month contracts and those employed on 11 or 12 month contracts. Most faculty members – roughly 85% – are employed on 9/10 month contracts.

6.10). Salaries for full rank professors rose by nearly 11%, while those at the associate and assistant ranks posted increases of 7.5% and 8.6% respectively. By contrast, "no rank" faculty actually witnessed a decline of just over 7%.

It is important to note, however, that the growth in average salaries seems to have slowed in recent years. There was even a small overall decline posted in 2003-04 from the previous year. Following the economic slowdown in the U.S. in 2001, state governments have faced significant budget problems. Tax revenues have fallen and appropriations from the federal government have been cut. Even with the national economy recovering in 2004 and 2005, state finances remain precarious. This could continue to put a downward pressure on salaries in future years.

Academic staff compensation in the U.S. varies between public and private institutions. As illustrated in Table 6.11, faculty in the public sector have on average lagged behind colleagues employed at private institutions, and that pay gap has risen over the past decade.

Table 6.11: Average salaries of full-time faculty on 9/10 month contracts, public and private institutions, United States (constant 2003-04 dollars)

	Public	Private	Difference
1993-94	$63,179	$72,297	$9,119
1994-95	$63,415	$72,516	$9,101
1995-96	$63,573	$72,783	$9,210
1996-97	$64,097	$72,965	$8,868
1997-98	$64,665	$74,383	$9,717
1998-99	$66,081	$75,651	$9,570
1999-00	$66,946	$76,553	$9,606
2001-02	$68,110	$78,280	$10,170
2002-03	$68,130	$78,277	$10,148
2003-04	$67,706	$78,943	$11,237

Source: U.S. Department of Education, NCES, IPED Salary Survey; National Education Association, Almanac of Higher Education, 2005; American Association of University Professors.
** No data available for 2000-01.*

There are also noticeable differences in average pay between states and between four-year and two-year public institutions (Table 6.12). Average salaries of full-time faculty at four-year public institutions range from over $78,000 in California to under $50,000 in North Dakota. At 2-year institutions, average salaries vary between $70,305 and $37,282. In the private sector, the salary gap is even more pronounced, ranging from roughly $37,000 in North Dakota to over $78,000 in California.

Table 6.12: Average salaries for faculty on 9/10 month contracts, public four-year, two-year and private institutions, selected states, 2003-04			
	Public		Private
	Four-year	Two-year	
California	$78,168	$70,305	$78,278
New Jersey	77,462	62,543	78,882
Delaware	76,762	53,773	69,649
Connecticut	73,492	59,729	80,376
Nevada	70,304	51,508	64,461
Pennsylvania	69,441	54,169	68,326
Iowa	69,378	42,663	49,754
Michigan	69,351	65,895	54,001
Arizona	68,410	58,799	54,996
Rhode Island	68,317	52,688	74,518
US Average	***64,423***	***53,080***	***66,878***
Alaska	55,098	62,220	46,103
Louisiana	53,225	41,049	55,663
Montana	53,141	37,410	38,882
Oklahoma	52,798	40,404	50,183
Mississippi	52,275	42,595	43,911
West Virginia	51,533	40,497	39,334
Idaho	51,125	41,988	45,092
South Dakota	50,859	38,981	43,196
Arkansas	50,775	37,873	47,326
North Dakota	49,571	37,282	37,117

Source: U.S. Department of Education, NCES, IPEDS Salary Survey, 2003-04; National Education Association Almanac of Higher Education, 2005.

On average, male faculty members earn more than their female colleagues at every rank in public and private institutions (table 6.13). The overall gender salary gap at public institutions in 2003 was $11,082 – a difference in pay of 20.4%. At private institutions the pay gap was 24.2%. One reason for this salary gap is that women are more likely to teach in lower ranks and in two-year institutions. Even within ranks, however, there is a persistent pay gap between men and women.

Table 6.13: Average salaries for men and women by rank, United States, 2003						
	Public Institutions			Private Institutions		
	Women	Men	% difference	Women	Men	% difference
Professor	$72,172	$81,336	12.7	$81,370	$91,799	12.8
Associate	56,797	61,048	7.5	60,086	64,741	7.7
Assistant	48,593	52,777	8.6	50,219	54,779	9.1
Lecturer	40,905	43,305	5.9	42,736	49,029	14.7
No rank	43,810	46,394	5.9	49,139	54,719	11.4
Average	54,441	65,523	20.4	58,013	72,040	24.2

Source: U.S. Department of Education, NCES, IPEDS Salary Survey, 2003-04.

In addition to salaries, most full-time faculty receive additional compensation in the form of fringe benefits. Table 6.14 illustrates the number and percentage of faculty covered by various benefits and the average cost to the employer. As shown, about 95% of full-time faculty are covered by a retirement plan (not including social security) and nearly 93% enjoy medical and dental plan coverage.

Table 6.14: Benefits of full-time instructional faculty on 9/10 month contracts, United States, 2003

	Number covered	% covered	Average expenditures
Retirement plan (vested within 5 years)	286,209	66.2%	$6,178
Retirement plan (vested after 5 years)	123,718	28.6%	$5,280
Medical/dental	401,120	92.8%	$5,915
Group life insurance	336,180	77.8%	$215
Other insurance benefits	38,808	9.0%	$950
Guaranteed disability income	262,734	60.8%	$262
Tuition plan for dependents	56,164	13.0%	$3,504
Housing plan	1,865	0.4%	$6,101
Social security taxes	391,057	90.5%	$4,240
Unemployment compensation	298,692	69.1%	$192
Worker's compensation	340,874	79.0%	$438
Other benefits in kind	34,979	8.1%	$1,451

Source: US Department of Education, National Center for Education Statistics
Institutions responding to the survey reported 432,046 full-time instructional staff.

Academic Freedom and Tenure

The state of academic freedom and tenure in the United States today is arguably at its most precarious point than at any time since the McCarthy period. Academic freedom is under attack on a number of fronts. At the political level, more and more conservative state legislatures are considering bills that would allow for an unprecedented intrusion of government into the academic affairs of universities. The fallout of the terrorist attacks of 2001 has led to increased restrictions on civil liberties and a growing intolerance of dissenting voices. At the same time, the traditional tenure system – a key foundation of academic freedom – is being eroded.

The principles of academic freedom took root in American higher education institutions in the late 19th Century alongside the emergence of the modern research university. The American Association of University Professors (AAUP) first formalized the concept of academic freedom in 1915 with the *General Declaration of Principles* from the *General Report of the Committee on Academic Freedom and Tenure*. The declaration identified three elements of academic freedom: freedom of inquiry and research, freedom of teaching, and the freedom of extra-mural speech and action.

The courts in the United States have ruled that academic freedom is a free speech right guaranteed by the First Amendment to the Constitution.[69] In *Sweezy v. New Hampshire*, the U.S. Supreme Court held that academic freedom is protected by the First Amendment and concluded that "teachers and students must remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."[70] Similarly, in a case involving the application of loyalty oaths in the State University of New York in the late 1960s, the Supreme Court found that academic freedom is of "…transcendent value of all of us and not merely to the teacher concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."[71]

Today, academic freedom in the United States is governed by a combination of state and institutional codes, policies, and agreements. Many states have enacted system-wide rules for the public university system establishing faculty rights. These rights most commonly include the freedom to engage in critical inquiry, select instructional materials, and publish the results of scholarly and creative activity. In addition, almost all university and community colleges have established policies regarding academic freedom. They also have policies governing faculty recruitment, evaluation, promotion and tenure. Finally, where faculty are represented by unions, academic freedom rights are frequently included in collective agreements. These collective agreements may differ from institutional policies in their definition of academic freedom.

Academic freedom rights are routinely limited by codes outlining the "responsibilities" of faculty. Again, these codes may appear in statewide rules, in institutional policies and in collective agreements. Responsibilities of faculty most often include the obligation to objectively present a variety of scholarly opinions on subject matters, to respect the rights of students, to contribute to the orderly and effective functioning of the university, and to act collegially.

More recently, there have been several attempts to establish more rigorous codes and responsibilities for faculty. Several states have considered enacting the so-called *Academic Bill of Rights*.[72] Promoted by conservative groups and politicians in the U.S., the *Bill* is intended to address an alleged bias in American universities against conservative ideas. It directs universities to enact guidelines implementing the principle of neutrality, in particular by requiring that colleges and universities appoint faculty "with a view toward fostering a plurality of methodologies and perspectives."

In this respect, the *Bill* has been criticized for undermining one of the fundamental premises of academic freedom -- that decisions concerning the quality of scholarship and teaching be made by reference to the standards of the academic profession, as determined by the community of scholars. As crafted, the *Bill* implies that diversity should be

[69] It is important to note, however, that the First Amendment protection only applies to actions of government or the public sector, and therefore applies only indirectly to private universities.
[70] *Sweezy v. New Hampshire*, 354 U.S. 234 (1957).
[71] *Keyishian v. Board of Regents*, 385 U.S. 589 (1967).
[72] A template of the proposed Bills are available at http://www.studentsforacademicfreedom.org/abor.html

measured by political standards and assessed by academic administrators or government officials. By codifying this conception of diversity into law, the *Bill* shifts responsibility for academic judgements from professional self-governance to institutional or judicial governance. To the extent the principles in the *Bill* limit faculty autonomy in matters discussed in the classroom, therefore, they directly contradict academic freedom rights.

In addition, the *Academic Bill of Rights* would grant students the right to expect that faculty will not introduce unrelated or controversial material into the classroom. Faculty would also be required to make their students aware of all "serious scholarly viewpoints" on a matter. Such provisions, however, could easily undermine academic standards and academic freedom. For example, under the *Academic Bill of Rights*, would a department of political science, in the interest of fostering political pluralism, be obligated to appoint a professor who supported Nazism? Would a department of biology be asked to pursue diversity by appointing a professor who teaches creationism? Such contradictions in the *Bill* have prompted the American Association of University Professors to conclude that:

> When carefully analyzed… the Academic Bill of Rights undermines the very academic freedom it claims to support. It threatens to impose administrative and legislative oversight on the professional judgment of faculty, to deprive professors of the authority necessary for teaching, and to prohibit academic institutions from making the decisions that are necessary for the advancement of knowledge.[73]

Academic freedom and the "war on terrorism"

Other recent threats to academic freedom in the United States are related to the political environment that emerged after the terrorist attacks of September 11, 2001. New secrecy rules have been imposed on "sensitive" research undertaken at universities. Following the adoption of the *USA Patriot Act*, federal law-enforcement and intelligence agencies now have greater authority to gather and share information about individuals. In addition, the *Act* creates new federal crimes, increases the penalties for existing crimes, and modifies immigration laws in ways that enhance the monitoring of foreign students. The *Act* also overrides many existing safeguards for privacy by, among other things, eliminating the requirement for a wiretap order and by requiring libraries to turn over lending records or other information requested.[74]

As well, there have been a number of serious incidents involving controversial statements made by faculty in the time following 9/11. Some of the more notable include the following:

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[73] American Association of University Professors, "Academic Bill of Rights." Available at http://www.aaup.org/statements/SpchState/Statements/billofrights.htm

[74] Surveys conducted in late 2001 and in October 2002 by researchers at the University of Illinois at Urbana-Champaign found that since the *USA Patriot Act* became law, some 550 libraries had received requests from federal and state law-enforcement agencies for the records of patrons. See the American Association of University Professors, *Academic Freedom and National Security in a Time of Crisis*. Available at: http://www.aaup.org/statements/REPORTS/911report.htm

- At a teach-in at the City College of New York several weeks after 9/11, some faculty members suggested United States foreign policy was to blame for the attack. The CUNY chancellor publicly criticized the faculty members involved and the university's board of trustees threatened, but eventually backed away from, censuring the participating faculty.

- In spring 2003, Irvine Valley College's academic vice-president issued a warning that faculty members should not discuss the war in Iraq unless proven to be directly related to courses being taught.

- When off-campus groups complained that a conference sponsored by the women's studies program at the State University of New York at New Paltz would be unbalanced in its criticism of Israel, the administration denied funds for the conference.

- In September 2002, Mohamed Hassan Mohamed, a native of Sudan who is now a Canadian citizen, was held for nine hours at the U.S. border as he made his way from Canada to teach a weekly class at the State University of New York at Fredonia. He was not allowed to enter the United States until he signed a declaration that he was a Sudanese national and agreed to be fingerprinted and registered. Only after a protest by the United University Professions and the Canadian Association of University Teachers, was Mohamed allowed entry to the United States to resume his teaching at Fredonia.

- In 2004, the U.S. Attorney, after much protest, agreed to withdraw the subpoenas issued by a federal grand jury to gather information from Drake University. The subpoenas demanded extensive information about an anti-war conference held on campus, and sponsored by the National Lawyers Guild.

- In early 2005, the state government and the administration at the University of Colorado at Boulder threatened to take action against Ward Churchill, a tenured professor of ethnic studies, for an essay he had written several years earlier describing those who worked in the World Trade Center as "little Eichmanns."

- Also in 2005, Dora Maria Tellez, a Latin American scholar and a central figure with the Sandinistas in the 1979 Nicaraguan revolution, was denied entry to the United States where she had been offered a post as a Harvard professor. She was denied a visa on the grounds that because of her association with the Sandinistas she had been involved in "terrorism."

Erosion of traditional tenure

A further threat to academic freedom in the U.S. stems from the steady erosion of the tenure system. It has long been recognized that academic freedom can only be exercised so long as there are prohibitions preventing arbitrary actions against academic staff as a

result of their scholarly work or their activities as citizens. Tenure is the basis of such prohibition. It is the guarantee that academic staff cannot be dismissed because of their views, but only for just and proper cause

Tenure, where it exists in the United States, is normally established at the level of each institution although in the public sector it may be established state-wide. Nearly all comprehensive and doctoral universities have tenure systems, as do the majority of private non-profit undergraduate colleges.

The past decade has seen a number of attacks on tenure in the United States. A few minor institutions have actually eliminated the tenure system. A number of other institutions and states have adopted "post-tenure" reviews which require faculty to submit to a formal review process every five years or so. An overly negative review can lead to dismissal. However, the extent of the post-tenure review process varies from one state to another and many unions have negotiated a process to ensure that dismissals are not arbitrary and are subject to proper procedures.

While such developments are not insignificant, what is arguably the biggest threat to the traditional tenure system today is the rapid growth in the contingent work force in American higher education. The increased hiring of part-time and non-tenure track faculty has effectively allowed institutions to circumvent the tenure system. This in turn has serious consequences for academic freedom. The majority of faculty in the U.S. are now without the protection of tenure, and consequently they do not have the freedom to speak out without fear of reprisal. This may be one of the most entrenched and daunting threats to academic freedom in the United States today.

Conclusion

The academic workforce in the United States has been fundamentally transformed in recent years. Today, nearly two-thirds of academic staff are employed on a contingent and non-tenured basis, as either limited term or part-time appointments. This raises a number of concerns, including the impact this casualization of the workforce is having on academic freedom. Without security of employment through tenure, academic freedom simply cannot be effectively exercised.

On another front, American faculty are finding themselves increasingly under siege from conservative politicians who want to gain more control over the work academics perform. This intrusion on university autonomy, unprecedented since the McCarthy period, represents another serious challenge to the academic freedom of American faculty, one that ultimately may have international repercussions.