

Twenty years later: International efforts to protect the rights of higher education teaching personnel remain insufficient



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Education International represents organisations of teachers and other education employees across the globe. It is the world's largest federation of unions and associations, representing thirty million education employees in about four hundred organisations in one hundred and seventy countries and territories, across the globe. Education International unites teachers and education employees.

Table of Content

The Confluence of the “Knowledge Society” and the Market	1
The UNESCO Recommendation concerning Higher Education Teaching Personnel (1997)—What Is It?	4
The Impact of R97 through CEART	5
Awareness of R97	7
Mapping the Challenges Facing Higher Education Today	9
Austerity	10
Academic Freedom	12
The Growth of Casualized Faculty	15
The Expansion of Privatization	17
The Extent and Potential of Unionization	18
Measures to be considered	24
Concluding thoughts	26
References	29
Appendix A—Selected Articles and Paragraphs of the UNESCO 1997 Recommendation concerning Higher Education Teaching Personnel	32



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The Confluence of the “Knowledge Society” and the Market

As our world moves inexorably into advanced technologies—from communication to transportation, from health to housing, from robotics to genetic engineering—we face a constant reminder that we live in a global knowledge society, in which access not just to schooling but to higher education will greatly affect our life chances and options for decent employment.

Our world, however, is not only one of wondrous technological developments. It is also one shaped by economic models characterized by the dominant role of market forces. Among scholars, there is widespread agreement that there has been an ideological shift from Keynesianism to neoliberalism, which has brought privatization and the dominant role of the market in social exchanges (Bourdieu, 1998; Klees, Samoff, and Stromquist, 2012; Schugurensky, 2013). On the positive side, the new economy has enabled large numbers of people to overcome abject poverty, and developing countries have absorbed many of the new technologies. But it has also created negative consequences. The most salient of these is the tendency of the state to withdraw from social investments such as health and education, a deregulation strategy that has allowed private enterprises to provide services for fees not sustainable by the poorest segments of the population, and has increased the privatization of crucial social services, which in turn has greatly increased socioeconomic inequality in many countries, a permanent state of “austerity” among governmental institutions, and a consequent reluctance and inability to raise and use public funds for the common good (Ostry, Loungani, and Furceri, 2016),

The knowledge society has unleashed an enormous expansion of formal education throughout the world. Gross enrollment in tertiary education increased from 10% in 1972 to 33% by 2012, with the most dramatic increases taking place in East Asia and the Pacific, Latin America and the Caribbean, and Africa (Marginson, 2016, citing UNESCO, 2015). In recent years, several African universities have registered annual increases in student enrollment in the range of 15-25% (Mohamedbhai, 2008). Most of the expansion has occurred through the private sector, which now accounts for 30% of the total enrollment in higher education in Latin America and Africa. Despite the great differentiation of tertiary



education institutions and irrespective of the fact that a tertiary education degree does not ensure employment, returns to completing this level of education produce on average an increase of 17% in earnings (World Bank, 2015).

The massification of higher education has had consequences both for universities themselves and for students seeking degrees. As universities, in the face of increasing costs, compete for students while receiving less state support, their structures have changed, with escalating numbers of administrators and increasing use of temporary faculty. University governance has moved from the shared-governance tradition¹ to greater management control through such mechanisms as national and international quality assurance, competitive research grants, and performance-based research salaries. On the students' side, the great influx of those seeking bachelor's degrees has led to increases at the master's level and, subsequently, to doctoral programs where increasing numbers succeed in obtaining Ph.D. degrees—degrees that prepare them for, among other goals, teaching at the university level and for conducting research. The university is experiencing two major fractures damaging to its traditional character: one of them is the split between teaching and research, the other the growing distance between teachers and administrators. The rapidly narrowing nature of advanced knowledge further adds to the fragmentation of the university (Rowland, 2002).

While advanced knowledge is now at a premium in both industrialized and developing countries, it is often being defined as that which makes direct economic contributions and has a clear value in the marketplace. This has significant repercussions on higher education institutions. The notion of competitiveness has so permeated universities that it is very difficult to resist this trend. When external financial support is extended to universities, donors become as important as faculty in decision-making. The pursuit of money becomes a university priority and this inexorably affects the fabric of the university's social and academic world. Research is now categorized into the marketable and the non-marketable. That which is not ready for sale encounters problems of funding. Disciplines that by their nature do not produce patents or royalties are finding themselves facing a hostile environment, even though the short-term nature of this approach defeats the emergence of new ideas. Discoveries and innovations do not always materialize through applied research; often long-term, persistent inquiry efforts are required to create new knowledge.

The prevailing discourse on higher education has raised a voice concerning quality, equality, and equity—all centered on students. Surprisingly, such discussions have remained relatively silent on another set of actors crucial to the teaching/learning process: higher education personnel. This study is an attempt

¹ A principle first formally established by the American Association of University Professors in 1920 and endorsed by many universities across the world.

to correct this oversight by exploring the perspective and situation of those who teach in universities. It is based on semi-structured interviews held in July-August 2017 with a wide array of leaders in trade unions and professional associations, officers in international organizations dealing with education either exclusively or as a key element, and in universities in various regions of the world.² The research literature available on higher education supplements the interview data.

² The specific breakdown is as follows: Five CEART members, 6 leaders of unions in various countries, 3 UNESCO and ILO officials, 8 EI regional leaders and 14 headquarters staff.



The UNESCO Recommendation concerning Higher Education Teaching Personnel (1997)—What Is It?

Exactly 20 years ago, a significant achievement in education took place. This was the adoption by all nation-states of the *1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel*—the result of extensive consultation with Education International academic and legal experts, ILO, UNESCO, and member states (Karran, 2009). Further, the document was the product of participation by Education International³ and its higher education affiliates that engaged in long-term lobbying for its adoption.

The *1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel* (abbreviated herein as R97) addresses four core values and core rights of higher education teaching personnel and researchers (see Appendix A). In so doing, R97 is the only international instrument that defines academic freedom, characterizes the governance of universities and other higher education institutions, and presents a basic outline for conditions and terms of service by faculty members. In other words, higher education personnel conditions are protected by international guidelines expressed in a document with international validity. One African scholar reminds us that the adoption of R97 was “a watershed in the evolution, consolidation, and standardization of the principles promoting academic freedom in the world” (Appiagyei-Atua, 2015).

R97 is a reflection of its time. In 1997, as issues regarding gender dynamics (as opposed to the mere representation of women), a casualized⁴ teaching force, the crucial need for a social dialogue,⁵ and the use of digital technologies in education had not fully surfaced. Nonetheless, R97 contains timeless principles about what universities and faculty members in them should be. These

3 Education International is the largest teachers union in the world, comprising about 32.5 million members at all levels of education, or about half of the world's teachers.

4 Casualized faculty refers to professors with either part-time or temporary appointments. Other terms include contingent faculty, clinical faculty, and adjunct faculty. For the permanent faculty, the most common terms are tenured or tenure-track faculty.

5 Social dialogue is a key ILO tenet since its inception in 1919. This principle, restated in the 1944 Declaration of Philadelphia, refers to the process by which trade unions and employer organizations negotiate, consult, or exchange views—a process that can take place with or without government participation (eddialogue@ilo.org). See also ETUCE, 2016.

principles advocate better working conditions, decent salaries for those who teach and engage in research, the maintenance of shared-governance, and the preservation of an environment that promotes knowledge in its widest expression. As one renowned educator observed of the *Recommendation*, “it is the best language we got.”

The Impact of R97 through CEART

Although a “recommendation” and not a legal mechanism as would be the case with a convention,⁶ R97 possesses an unusual organizational structure: it relies on a 12-member committee appointed from various parts of the world: the Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). This body, jointly funded and coordinated through UNESCO and ILO, is charged with two tasks: monitoring the implementation of R97 as well as that of the 1966 ILO/ UNESCO Recommendation concerning the Status of Teachers across countries and reviewing and settling complaints of national actions that go against the principles set up in R97. There are, however, several organizational and logistical features that diminish the potential impact of CEART’s work.

CEART meets every three years, with limited work conducted by its members between sessions; further, it meets on those occasions for a brief period of time—about five days. The support given by UNESCO and ILO is limited as the staff of these agencies fulfills several other tasks simultaneously, some given greater priority than R97. Within UNESCO, work on R97 is divided into three units: teacher education, human rights (which attends to issues regarding academic freedom), and higher education, with little coordination among them. In ILO, the only ministry level constituents are the national ministries of labor, so for education issues ILO relies on UNESCO to press ministries of education for resolution. Not being part of a legal instrument, CEART exercises weak influence on UNESCO member states for R97 compliance. Since reporting is voluntary, few countries seem to have submitted reports to UNESCO documenting the application of R97; the literature search for this study uncovered only the one presented by Canada (Council of Ministers of Education, 2001). In 2012, UNESCO produced a report that described itself as a document that “fulfills the reporting requirements laid out in Article 75 of the Recommendation” (Sia, 2012). The report presented an evaluation of R97 implementation based on two sets of surveys, one sent to 623 higher education institutions (117 responded) and a similar survey sent to all national commissions and permanent delegations of UNESCO member states (43

6 A convention is a legal instrument that obligates governments to produce reports on the implementation of such conventions. It counts on a committee of international experts that meets regularly (at least every two years) to oversee compliance.

replied). Only an 8-page summary was reported to CEART as a background paper for its 11th Session (2012). Moreover, this study dealt only with academic freedom and institutional autonomy but did not address conditions of work or tenure.

Customarily, CEART sends a questionnaire to governments every three years to collect progress on R97 but “many do not complete the questionnaire and often the information they provide is not adequate” (World Education Report, 1998, p. 24). More serious, in its 50 years of existence⁷ CEART has received only 24 complaints (called “allegations”) and only two have dealt with higher education, both about issues of academic freedom, governance rights, and working conditions.

Table 1. Cases Brought to CEART and Their Resolution, 1979-2017 (24 cases)

No government response	No government response and lack of teacher union follow-up	Case closed, reason unspecified	Unclear status	Still pending	Successfully resolved
9	3	5	5	1	1

Source: Table produced by the author based on more extensive table provided by ILO staff, August 2017.

Table 1 shows that the prevailing pattern has been one of no response by the government (9 of 24 responses), which reflects a low willingness of governments to engage with international bodies. Table 1 also shows that although five cases of allegations were closed, reasons were not specified, and an additional five cases face some unclear status. In three cases there was also a union failure to follow up. Only one of the 24 cases is identified as successfully resolved and the decision seems to have been in favor of the union raising the allegation. Looking at the frequency of allegations and responses they have received, it can be asserted that CEART has attended few cases over its existence and has scarcely served as a mechanism for resolution of cases.

The wide array of respondents in this study have offered varying explanations for the small number of allegations brought to CEART: very few professional organizations have knowledge of R97's existence⁸; the procedures about how

⁷ CEART has been in operation since ILO and UNESCO adopted the *ILO/UNESCO Recommendation concerning the Status of Teachers* (applicable to primary and secondary school teachers) in 1966. When R97 was adopted, CEART received the additional charge to monitor higher education teaching personnel.

⁸

to raise a complaint are unclear; frequently, allegations involved complex fact-finding procedures and some cases linger for years to be resolved; many teachers unions are not aware of the existence of CEART; some disputes might be raised and resolved nationally, without the need for CEART; there is belief among aggrieved unions that the CEART mechanism might not be effective.

Nonetheless, significant outcomes of CEART's meetings were acknowledged by its members: through the background papers for the meetings and the presentations by various organizations during these events, they become informed of important issues such as the role of social dialogue, the detrimental effects of the expansion of the private sector in education, problems of recruitment and retention of primary school teachers, the contributions of early childhood education to the cognitive development and full development of the child, and the impact of digital technology in education systems. CEART members state that they use this knowledge in their own countries, in cases where they communicate with ministries of education or in academic work.

Organizations comprising educators (e.g., Education International), business entrepreneurs in education (e.g., the International Organization of Employers), and researchers (e.g., OECD) attend CEART meetings by invitation only. Those invited make a presentation to CEART, after which they hold a brief question-and-answer period and are then asked to leave. So, despite the interest of ILO and UNESCO in fostering a "social dialogue," those invited to speak in front of CEART do not participate in a dialogue with others, only with CEART. Following its triennial meetings, CEART publishes a report containing its recommendations. Such pronouncements are regarded as "mild" by several observers. The information contained in those reports is considered very useful, but the main problem is that these reports do not circulate widely, despite the fact that some 700 copies are produced in all six UN languages. In one exceptional case, a CEART member indicated that the minister of education of her country had called upon her to secure more information.

Awareness of R97

Interviews with academics, teacher union leaders, and staff in various international organizations dealing with education reveal that awareness of the existence of R97 is extremely low. A few teacher union leaders (mostly in Europe and Canada) report knowing about it; in conversations with education union leaders in emerging labor unions in the US, they are surprised about the existence of this document and admit not having read it. Academics' knowledge of R97's existence is likewise limited. The UNESCO survey sent to 623 institutions of higher education mentioned above found that only 52%



of the respondents were aware of its existence (Sia, 2012). Documented information of European teachers unions also indicates a limited awareness of R97. Among university members the University and College Union, 9.9% are said to be aware of its existence; data for the rest of European university teaching unions indicated a slightly average higher percentage, at 15% (Karran and Mallinson, 2017).

On the other hand, those unions that do know about R97's existence have used it on various occasions. In Canada, R97 has been deployed in their solidarity work with teachers' organizations in other countries. In Argentina, R97 was used in workshops to prepare labor union leaders in collective agreement procedures; these workshops, among other actions, culminated in the first collective agreement for *all* higher education personnel in Argentina, a success that was also the first of its kind in Latin America. In the UK, R97 is used by teachers unions to apply constant pressure to take into account international studies about the conditions of teachers—a comparison that helps to put the situation of UK higher education personnel in greater perspective.

Mapping the Challenges Facing Higher Education Today

To connect the value and potential use of R97 to our contemporary world, the section that follows attempts to provide a comparative view of the situation of higher education across the world. This effort is challenged by a lack of data on certain regions. Given the author's reliance on available studies in the literature, some countries are better represented than others. This is the case for several North American and European countries.

Global policies have become more influential than in past decades. Today, considerable hope is attached to the Sustainable Development Goals (SDGs). The SDGs indeed consider education as a critical tool for sustainable development. Its Goal 4 refers to free, inclusive access, and quality education at primary and secondary school levels, listing 10 targets. Three of those targets deal directly with higher education by (1) identifying the need to increase access to tertiary education, including higher education, (2) expanding the number of scholarships for enrollment in higher education, and (3) increasing the supply of qualified teachers (which assumes higher education training). SDG 4 makes indirect reference to higher education in three additional targets: increasing the number of youths and adults with useful skills, including technical and vocational skills; eliminating gender disparities at all levels of education; and having all learners acquire the knowledge and skills to promote sustainable development. There is a prevailing opinion among persons in education organizations and academics in general that R97 should be more strongly linked to the successful fulfillment of the Sustainable Development Goals. The call for a closer connection between R97 and SDG 4 through activities, research, and events appears justified.

Even with larger numbers of students, universities must constantly compete for more because students are a source of revenue through their tuition and thus highly valued by education providers. The universities, especially research universities, must also compete with each other for research contracts and philanthropic donations. As a result of these dynamics, universities have changed greatly. The presence of administrators is strong today, as many non-academic positions have become necessary, among them vice-presidents, vice-chancellors, associate deans, loan counselors, management analysts, human resource specialists, training personnel, purchasing agents, and study abroad advisers (Di Leo, 2017).

Multiple observers note that this constant and pervasive competition for revenues has created “marketization” or the alignment of university programs and activities with the market, thus the ascendancy of applied and technical-oriented disciplines such as biochemistry, biotechnology, engineering, computer science, tourism (Munene, 2012). A collateral effect of this is that important disciplines, particularly in the social sciences and the humanities/arts, are receiving less attention. It is feared that the slow marginalization of fields that promote self-reflection and critique of contemporary existence is not conducive to the development of a social and cohesive society.

Mohamedbhai (2008), an African scholar, cautions that in addition to the massification of higher education in general, one must pay attention to “institutional massification,” i.e., the concrete consequence of large enrollments at the institutional level—which has occurred in many universities due to the lack of a concomitant increase in fiscal, physical, and human resources. Strategies to cope with institutional massification include splitting classes, modularizing courses (with each module carrying a specific number of credits), running parallel programs, providing open and distance learning, and developing institutional income generation (Mohamedbhai, 2008). This scholar also notes that in some departments, faculty have a teaching load of 18 hours per week (Mohamedbhai, 2008), clearly assignments that detract from a performance of high quality and impede engagement with research.

Austerity

In most countries, education has seen enormous reductions in state appropriations for higher education. As noted earlier, this has been connected with neoliberalism’s beliefs in a limited role for the state and a greater role for market forces; it has also been abetted by the global financial crisis of the 1980s. In the US, such reductions were often over 60% of the budgets of public universities between 1980 and 2011 (Di Leo, 2017). The reduction of funding has had multiple consequences. Austerity has “created overcrowded lecture halls, insufficient or outdated library holdings, limited computing and Internet connectivity, deterioration of physical plants, less time and support for faculty research” (Altbach, Reisberg, and Rambley, 2009, p. 70). Budget constraints also affect the number of university-sponsored scholarships and fellowships while salaries of teaching personnel are kept stagnant or reduced by hiring personnel on a part-time basis and short-term contracts.

Austerity has also led to measures to reduce expenditures on university personnel, particularly among academics and researchers. A trend has emerged to replace the current civil-service or permanent employment status of academics with short-term contractual relationships between the university

and individual faculty members. This has produced a decrease in collegiality (Heath and Burdon, 2013). In the US, salaries for higher education teaching personnel have not kept up with inflation. In the UK, salaries have declined significantly in the past decade, with one source estimating that since 2009 there has been a cumulative loss of over 16% in teachers' pay (UCU, 2017). Australia is also experiencing considerable austerity measures, as the current federal budget for higher education is being cut 10% over four years. Similar instances of precarious work have been reported in Germany, Italy, and Ireland. In all of these cases, teachers unions are actively struggling against the impact of austerity on salary and working conditions.

Financial austerity has led to emotional austerity as well, as a stressed level of existence has become the lot of most faculty (Di Leo, 2017). While not sufficiently documented, the emotional and physical stress higher education teaching personnel feel is palpable as increases in numbers of students are leading to new teaching practices. For example, law programs in Australia have simplified course content, moved to adopting multiple-choice assignments, and removed theoretical materials (Heath and Burdon, 2013). Decreases in job satisfaction have been expressed in Australia and the US. In Latin America, a deterioration in wage levels and infrastructure has been reported, meaning reduced funds for renewal of equipment and travel to conferences, etc., along with replacement of stable personnel with temporary and part-time hires (Llomovatte and Wischnevsky, 2012). Stress is also felt by university and college students. Forty million Americans have at least one outstanding student loan (Di Leo, 2017); total student debt reached \$1.3 trillion in the US (The New York Times, 2017).

Professional autonomy is being challenged by new norms of external evaluation as well as by the need to satisfy demands of different markets, which influence education programs as well as the types of research being sponsored (Llomovatte and Wischnevsky, 2012). Academics exert leadership today mostly through decisions on programs and curriculum, with very little input on policy issues affecting the university as a whole, such as decisions to increase tuition, to change organizational structures or create new ones, to decide on financial matters affecting the university, to set the strategic direction of the institution, to erect new buildings, to provide long-distance learning, to appoint tenure-track higher education personnel for their own units (often being told there are no funds to do so), and even to create new academic programs. Under the slogans of "competitiveness" and "innovation" many such decisions are now in the hands of senior administrators. Several observers have noted these patterns since the early 1990s (Rea, 2016).

Various participants in this study observed that faculty providing online courses experience even worse conditions, as they work in isolation, have no control over their work (fixed course syllabi are given to them), and experience

frustration for not having a say even on curricular matters.

Scholars concerned with the massive demands for postgraduate degrees and programs in Latin America find to their dismay a predominantly part-time faculty and a lack of sufficient scholarships to enable the inclusion of low-income students (Llomatte and Wischnevsky, 2012). This emerging problem, likely to affect the national development of countries in that region, is not receiving the necessary consideration.

Academic Freedom

There is unequivocal public support for academic freedom. As well spelled out in R97, the four pillars regarding the rights of higher education teaching personnel are: (1) the right to teach; (2) the right to engage in research and disseminate their work; (3) the right to engage in service to the profession and the institution, including the right to criticize the institution and the system in which one works (intramural speech); and (4) the right to exercise one's civil liberties without institutional reprisal or censorship. The Magna Charta Universitatum (signed by European rectors in 1988) reminds us: "Freedom in research and training is the fundamental principle of university life, and governments and universities, each as far as in their lives, must ensure respect for this fundamental requirement" (Magna Charta Observatory, 1988). In fact, it is commonly recognized that human rights is a core element of the professional identity of teachers.

Academic freedom can further be defined as protection against such acts as: abusive defamation actions, retaliatory discharge of academic personnel, wrongful detentions and false prosecution, and restrictions on freedom of movement (Sia, 2012). But, first and foremost, it includes the protection to write and teach about ideas and issues considered of relevance to society. In industrialized countries such as those in Europe and in Canada and Australia, the attacks on academic freedom are not numerous or blatant. As an academic from Australia states, "Nobody is attacking academic freedom; academics have negotiating rights. We are a country with more balanced labor laws than in many other industrialized countries." A teachers' union leader from Canada, adds: "Most of those principles are well established and respected in Canada."

A study by Karran and Mallinson (2017), however, paints a more nuanced picture for Europe. Exploring the degree of national government compliance with R97 in three core features of academic life (institutional autonomy, academic freedom, and existence of tenure) in 27 European countries, Karran and Mallinson found that state protection of universities and academics was not always complete. As Table 2 below shows, the most common type of full

governmental compliance regards the provision of institutional autonomy. In contrast, academic freedom is fully protected in less than half of the 27 European countries in the study, and fully protected tenure exists in slightly more than half of them. These constitute relatively small proportions of government compliance for countries reputed to have the most democratic systems of academic governance.

Table 2. Government Compliance with UNESCO R97 on Three Critical Features of Academic Life. 27 European Countries, 2009

Degree of Compliance	Provision of Institutional Autonomy	Academic Freedom Protected	Existence of Tenure
In full compliance	25	11	14
Qualified compliance	2	14	11
Non-compliance	0	2	2

Source: Karran and Mallinson, 2017, p. 24.

There are also developments in university structures that indirectly threaten academic freedom by clearly reducing shared governance. One important event has taken place in Denmark, where since 2003 collegial participation in decision-making has been replaced by a board with a majority of members outside the university. This board appoints the rector, who, in turn, appoints deans, and creates an authority chain likely to be in control of large and small decisions (Clarke, 2015).

Austerity sometimes overlaps with issues of academic freedom. In the US, several instances have been reported of major private donations having been made to universities on condition that certain perspectives or philosophical approaches be used in the programs and fields being funded. Attacks on academic freedom are usually not numerous, but often there are incidents serious enough to raise concerns. In Japan, several years ago the government prevented a historian from including in a history textbook references to war crimes in South Asia and Southeast Asia during World War II. More recently in the US, a sociology professor was fired for expressing in a tweet that Hurricane Harvey was the result of Texas having voted for Republicans; his firing was decided by administrators without a faculty hearing (AAUP, 2017). It should be

noted that when AAUP defended this professor, it did not make reference to R97 but rather to AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure* and a companion document, *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

In developing countries, attacks on both HEIs and academics have become frequent in recent years. Data covering the past year report violent actions against academics, students, and higher education institutions in 36 countries, the most intense being those in Nigeria and Pakistan. In China, which by 2010 had a gross enrollment rate of 24% in higher education and more than 29 million students, academic freedom is precarious. This is reflected in the request by the Chinese government to Cambridge University Press, which publishes *The China Quarterly*, to remove 300 articles, most of them making reference to Taiwan, Tibet, Tiananmen Square, and presenting a historical analysis of the Cultural Revolution. Much to the dismay of the Cambridge University faculty, this request was accepted; fortunately, it was subsequently revisited and overturned. Self-censorship by academics is prevalent in China (Macfarlane, 2017). Also recently, troublesome developments against academic freedom are taking place in Turkey, where an estimated 20% of academics have been fired and where some 400 higher education personnel have been criminally charged (Scholars at Risk Network, 2017). Attacks against academic freedom have also been reported in Russia, Iran, Poland, and Hungary. Threats to institutional autonomy have emerged in Central and Eastern Europe (Scholars at Risk Network, 2017).

A Latin American union leader offers an insightful comment on the question of academic freedom. She says,

In times of dictatorship there was political and ideological persecution, as was the case in Argentina, Brazil, and Chile. Today, there are other forms of disciplining critical views. One way is through funding priorities, which shape the direction of research. External financing favors themes selected in Northern countries and gives less importance to national issues. During the 90s large amounts were invested in national and local themes in Latin America. Today, with many neoliberal reforms that often constrain government budgets, it is easier to accept themes proposed externally. Today, there is no persecution but there is de-financing.

According to R97, countries are supposed to monitor the extent to which academic freedom is protected in their countries, but as a UNESCO assessment observed, "it is difficult for governments to voluntarily report that they violate or tolerate the violation of academic freedom" (Sia, 2012, p. viii). Consequently, this type of aggression is monitored primarily by professional organizations and teachers unions.

The Growth of Casualized Faculty

Under various names—casualized faculty, contingent faculty, adjuncts, clinical faculty—universities today comprise a large number of faculty members with tenuous attachment to their institution. These faculty's labor is characterized by temporary (fixed-term) as opposed to permanent (indefinite) contracts. A well-known Canadian union leader asserts,

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 (Robinson, 2006).

The available evidence strongly supports this. The most extreme situation can be observed in the US: while only 3.3% of faculty appointments were off the tenure track in 1969 (Miller, 2015), by 2014 close to 70% are off the tenure track (AAUP, 2016). Moser (2014) maintains that in the US between 1995 and 2009, 92.4% of the increase in faculty appointments was due to the growth in casual faculty appointments. In Australia, only one of four newly appointed faculty is hired on a permanent basis (Kniest, 2017). The growth of casualized faculty is also evident in Europe. A study conducted by Clarke (2015), based on data from academics belonging 10 European teachers unions, found that 48% of the respondents did not have permanent contracts, even though the majority were employed full time. In the UK, at least 53% of all academics employed in the higher education sector are on some form of insecure contract (UCU, 2016). The unionization of higher education teaching personnel in developing countries tend to be low and varied markedly among countries. For historic reasons, a substantial segment of the higher education teaching personnel in Latin America and Africa has worked on a part-time basis.

Even in industrialized countries with well-established workers' rights, the proportion of contingent faculty is also on the rise. In Canada today, for example, one-third of university faculty members are off the tenure track. The growing modality of distance education, particularly in industrialized countries, also favors the use of contingent faculty to respond to demand for degrees and specific courses.

The proportion of contingent faculty is also high in Japan, in both public and private universities. This trend affects academic identity in multiple ways: the status of contingent faculty is low, vulnerable, and not amenable to the maintenance of a productive institutional affiliation; tenured faculty members face increasing amounts of administrative work as contingent faculty cannot serve in many of the academic committees; and scholars in their 30s-40s who do not have tenured positions are not expected to focus on research activities. According to a Japanese professor, "the separation between stable faculty and

temporary faculty creates an unhealthy division between those who engage in research and those who teach” and the separation between teaching and research “decreases the quality of teaching in the universities.”

Several officials in educational organizations see no problem with the growing number of contingent faculty, arguing that persons who serve without tenure are nonetheless persons with “a wealth of experience and talent who bring great diversity to university environments.” “There are fantastic non-tenured professionals” observed one respondent. This view assumes many of the contingent faculty are persons with great professional experience who are interested in teaching a course or two. Profiles of contingent faculty have yet to be carefully produced but those for the US reveal that a large proportion of contingent faculty are either relatively recent university graduates or have been teaching for the past several years, rather than persons who have joined following an extensive professional experience. For many of these contingent faculty, their teaching is the main source of income (Stromquist, 2017). In Australia, a country with detailed statistics on contingent faculty, according to 2016 data many of the casual faculty have two jobs or more, and casual work is the primary source of employment for 61% of the contingent faculty, over 22% of whom have worked in that status for 6-10 years and 31% for over 10 years (Evans, 2017). In many countries, a large proportion of casual faculty would like to have a permanent job, be it full-time or part-time.

Casualized faculty is even larger in private universities. Most of the faculty in African private universities are part-time or half-time. In that region also, because of the massive enrolment in public universities, there is a strong reliance on part-time faculty (Munene, 2012). Officials who do not problematize the prevalence of casualized faculty consider that the main problem resides with their recruitment, in that universities do not know how to hire what could be “great teachers.” The issue, however, is less with the quality of their teaching than with their being poorly remunerated and treated. It should be remembered that the motivation of the teacher is as important as that of the student. Under fragile and low salaries, it is unlikely that “great teachers” may be motivated to apply. The problems associated with part-time or temporary employment are multiple: employment benefits are seriously curtailed—no sick leave, no medical insurance, no pension plans, very limited free professional development, and scant opportunity for promotion. Very often, work outside of teaching hours is not recognized: contingent faculty are usually unpaid for course (subject) development, and extra work, such as student guidance and counseling, is not paid (Evans, 2017). Frequently also, they have no access to an office or to facilities such as copying machines. An even more serious aspect of their work is that they do not participate in collegial governance of the institution. In practice that means that administrative work is falling to fewer and fewer full-time faculty, or that

such work is concentrated in the administrative bureaucracy. In a number of instances, contingent faculty have complained of not being treated with respect by the tenured faculty (Evans, 2017), so they express feeling a lack of social recognition.⁹ If tenured professors feel vulnerable in terms of academic freedom, the problems facing casualized faculty are even greater, as they can be fired for expressing controversial ideas and thus tend to engage in self-censorship.

Some officials affiliated with both educational and financial organizations consider that the priority in higher education should be given to quality control and accountability (Robinson, 2006). This is also reflected in a recent UNESCO position paper that argues that there is consensus across geographic regions on the need for an international framework for quality assurance and accreditation (UNESCO, 2013). But in the context of egregious inequality among faculty members and scant infrastructure, concerns with quality assurance and accountability seem to be misplaced.

Higher education across the world presents a serious situation regarding the representation of women in permanent faculty positions, especially as professors at the top level of the hierarchy. In Europe, despite policy measures or initiatives centered on preventing or limiting gender difference, women represent more than 30% of the professors in only six of the 26 countries members of the European Tertiary Education Register. Exhibiting the same pattern of representation at low levels, more than 60% of contingent faculty are women on average.

We must remember that central to one's professional identity is remuneration that assures a decent standard of living and being able to function in an environment with adequate infrastructure. Clifford Geertz, a renowned US social scientist, remarks: "Contingency reflects the decline of the social contract. Academic citizenship should be encouraged to restore the teaching-research-service triad. There is a degradation of teaching" (Geertz, 1998, cited in Moser, 2014, p, 82).

The Expansion of Privatization

In emerging economy countries, demands for enrollment surpass by 20% to 50% the available space in public universities (UNESCO, 2009). Not surprisingly, 30% of global higher education has become private. Examples of the most rapid growth in private education are the substantial expansions in Kenya, Ghana, Philippines, India, Brazil, Colombia, Liberia, Uruguay, Cote d'Ivoire, and

⁹ To raise awareness on campus of the precarious conditions affecting casualized faculty, this faculty organizes a "Campus Equity Week" in several US universities. Established unions also organize similar events such as "Fair Employment Week" (Canada), and "Day of Action Against Casualization" (UK).

Peru. This privatization is conducted by for-profit entrepreneurs in education, who often assert—with little supporting evidence—that they deliver a higher quality education than that of the public sector. Also ongoing is the tendency to privatize the public sector (Altbach, Reisberg, and Rumbley, 2009), which occurs through the provision of parallel programs within public universities in which tuition is charged or by the outsourcing of services for which students must now pay.

For-profit privatization of higher education is having a deep impact on the programs and degrees offered as well as on labor conditions. While we need more research to document particular national realities, it is well known that privatization is creating small and poorly equipped higher education institutions that offer fields that require minimal investment such as law, accounting, and simple forms of computer science.

The main privatization repercussions for faculty is that: (1) it gives rise to an inordinate proportion of part-time faculty, usually poorly paid, and (2) creates an environment where the engaged faculty are reluctant to express alternative viewpoints and critique of their working conditions for fear that their contracts will not be renewed, as demonstrated in previously mentioned efforts to speak with an independent voice. For those in tenured or tenure-track positions, there are negative repercussions as well: since non-tenured faculty cannot assume responsibilities in most academic and administrative committees, tenured professors face higher advisory loads than in the past. Renewal of their contract being dependent on “satisfactory” performance, contingent professors commonly engage in self-censorship, avoiding controversial or taboo subjects in their teaching or research. Their role as public intellectuals thus is also affected by the vulnerable conditions under which they work.

The Extent and Potential of Unionization

The numbers of unionized teachers and higher education teaching personnel in the world is not known with accuracy. In the US, while 34% of school teachers are unionized (Bureau of Labor Statistics, 2017), faculty in public universities are much less involved in unions, with an average membership estimated at 15%. In these days of neoliberal approaches to social life, how do governments respond to unionization? What forms of internal support and resistance are emerging? How does society see the unionization of teachers? Unfortunately, we can locate only fragmentary evidence to answer these questions. Nonetheless, some patterns are emerging.

A major challenge facing teachers’ unions is to increase the proportion of “decent positions” (i.e., jobs with adequate salaries) in higher education because without such openings unionization is extremely difficult. So unions

are caught in a vicious circle: some people are too poor to become unionized and the unions cannot be successful until their potential members have sufficient resources to join. Yet, there are also instances where contingent faculty are acting collectively to defend their own interests. While there is undeniable strength in numbers, unionized higher education teaching personnel represent a small proportion of the teaching force. While primary and secondary school teachers across the world have an average unionization rate slightly over 50%, the unionization of higher education personnel is much smaller and varies markedly among countries. The majority of organized higher education teaching personnel are said to be in Australia, Malaysia, Indonesia, Canada, and the UK. Surprisingly, an informed respondent estimates that in France only about 5,700 higher education teaching personnel are enrolled in unions. The UK, in contrast, has much higher union participation, with 30-40% organized, comprising some 75,000 members. Substantial representation is also reported for Belgium, Spain, Ireland, and the Scandinavian countries. Given the recent transition from state socialist regimes to a more democratic market/capitalist system, there is a low union participation in Eastern Europe, with one estimate for Hungary, for instance, at about 300 unionized faculty members. Romania is said to have between 2,000 to 3,000 unionized faculty, even though the country has a large system of universities and polytechnic colleges. The unionization of higher education teaching personnel in developing countries tend to be low and varied markedly among countries. The unionization of higher education teaching personnel in developing countries, except for Palestine and Lebanon, tend to be low. India, despite its very active political life, has low levels of unionization of higher education teaching personnel. China, which maintains tight control over its teachers' collective actions through direct surveillance and clear censorship, exhibits a very low level of higher education unionization.

Most unions have a horizontal membership and structure, but some are vertical unions, meaning they represent both permanent professors and lecturers (i.e., tenured and tenure-track) as well as casualized research and teaching personnel (Karran and Mallison, 2017). In addition, teachers unions recruit and enroll not only teachers—they also include supplementary personnel, now called education support personnel (ESP),¹⁰ such as nurses, public defenders, dental hygienists, police officers, and lifeguards. These two facts have created fears among teachers and professors that their voice is diluted and their priorities ignored (Simon 2014). Nonetheless, the protection of such heterogeneous union memberships seems the best alternative, the idea being that through committed representation and concomitant expertise, union leaders are able to secure better working conditions and salaries from skilled legal administrators than could the often out-matched individual.

¹⁰ In cases of budget cuts, ESPs are the first to be outsourced or laid off. Their representation is not covered by an international mechanism such as CEART.

Several factors operate to explain the low union representation of higher education personnel. One is government impediments to prevent or discourage faculty members from joining unions. In 20 of the 50 US states, higher education faculty have no freedom to organize. (Moser, 2014). Also in the US, more than 50% of the states have “right-to-work” legislation, which makes union participation optional and diminishes the advantage of joining a union since it becomes possible for non-union members to benefit from the negotiations carried out by union leaders (Brooks, 2017). Perhaps more insidious has been the over 40 years of market-led policies that have fostered enormous individualism in society and, by extension, little faith in collective action. Data from Latin America shows, unsurprisingly, that union membership declines with the hiring of temporary workers (Kuhn and Marquez, 2005). A second factor is the still widespread belief in certain countries, including the US and some in Latin America and Africa, that higher education teaching personnel, as individuals, are professionals with total discretion to negotiate salary conditions on their own according to their particular faculty profiles. A third factor is the increasing privatization of the university sector, where owners have greater flexibility to dissuade faculty hires from organizing into unions through the implicit retaliatory threat of not re-hiring activist higher education teaching personnel. Some universities resort to employing “union-avoidance” law firms to fight student unionization. A fourth factor is the increasing connection between universities and corporations, which encourages participation of business leaders on boards of trustees and renders unionization an object of resistance. Some governments are clearly anti-union and many business owners of for-profit and even not-for-profit higher education institutions are insistent on providing low wages and hence strongly oppose the principle of collective bargaining.

A US Supreme Court decision in 1980 (National Labor Relations Board v. Yeshiva University) ruled that professors in private universities performed “managerial functions” and hence disqualified tenured and tenure-track professors as workers eligible for unionization. Under this decision, professors “cannot negotiate working conditions, and operate mostly as a lobbying group.” However, this decision does not prohibit casualized faculty from organizing. In these days of increased privatization in the delivery of education, the private sector is becoming more influential. Typically this sector opposes the principle of collective bargaining, most often succeeding in this position.

In the US, several states have collective bargaining laws that exclude such topics as tenure, merit pay, and seniority (Brooks, 2017). In Australia, while faculty codes of conduct often refer to collective agreements, these codes also state that professionals may not comment outside their areas of expertise. This limits faculty critique of management issues and consequently has the effect of silencing higher education teaching personnel.

There have been explicit efforts by governments to decrease the collective action of faculty members. Such is the case of Japan, whose level of unionization has decreased from about 60-70% in the 1960s to less than 30% today. At the primary and secondary levels, the Japanese government prohibits the right to strike and punishes those who do so. The government has also taken active steps to disorganize teachers unions, one such step being a measure that prohibits principals from joining the same union as teachers, which has resulted in a split between teachers and administrators. Also, young teachers are discouraged from seeking union membership. Conditions affecting the unionization of primary and secondary school teachers in Japan carry over to the higher education level.

In the UK there is an ongoing struggle between the unions and government, as the current conservative government has brought in further harsh restrictions on unions and their members. While the British teachers union could not stop the government from enacting the new laws, it pressed the government to justify its decision and to present pertinent evidence. On the strength of an independent report, the largest UK teachers union, the University and College Union, is considering a complaint to CEART about governance and job security.

Most respondents in this study acknowledged that the vulnerable financial and professional climate of universities has direct impacts on career and tenure; only the “brave” are those who express a voice and they are very small in numbers. An Australian union leader with long experience in organizing and mobilizing, emphasizes, “Ten years ago this would not have been the case!” It is very difficult for casual faculty to protest against unfair working conditions. According to one teachers union leader, echoing the sentiments of others from all regions of the world, contingent faculty tend to keep very quiet because “they don’t want to be perceived as trouble makers. It is the mode of employment that silences them.” As another respondent observes, “[the] precarity of academic work is a major factor for the prevailing timidity.” This reluctance to speak up is likely reflected in the content of their work, leading them to avoid discussion of certain issues.

A review of literature by Heath and Burdon (2013, p. 381) led the authors to conclude that there is “very little evidence of organized or collective resistance to neoliberal university reforms.” Lack of support for contingent faculty by permanent faculty members has been recognized as extremely harmful both to the notion of professionals who seek the common good and justice and to their own self-definition of academics as intellectuals (Badley, 2009; Miller, 2015).

An interesting development in the US is the emergence of an alternative organization that is capturing a growing number of casualized faculty, the self-named Faculty Forward, affiliated with the Service Employees International



Union (SEIU), a union that comprises service providers, including drivers, janitors, waiters, concierges, and security guards, among others. Unlike the country's established NEA, AFT, and AAUP, SEIU has focused its academic direction on contingent-only faculty and private schools and is engaged in an aggressive campaign seeking a \$15,000¹¹ minimum payment per course and an enrollment of one million adjuncts. So far, SEIU has organized about 30% of adjuncts in Washington DC. It is also active in Boston, with the city's concentration of a number of institutions of higher education (Miller, 2015). SEIU now functions in 18 US states and claims to have organized a total of 8,000 adjuncts (Miller, 2015). This figure is to be contrasted with the more than one million adjuncts in the US today, which means that the success of SEIU—as well as that of major teachers unions—is still very modest.¹²

There are also indications that “independent professional associations” are being created to provide “alternatives” to unions by offering liability insurance, ongoing professional development, and legal representation at a cheaper rate than typical union dues (Brooks, 2017). This suggests that casualized faculty are approaching levels of discontent that may prod them into collective action and ultimately unionization. In addition, the US National Labor Relations Board ruled in 2016 that graduate students serving as teaching assistants qualify as university employees and therefore have a right to unionize. In various parts of the country, graduate students are mobilizing (Miller, 2015), seeking to obtain larger stipends with cost of living increases, greater job security, and health insurance coverage. It is still early to predict what the outcome of these recent unionization efforts might be.

Handicapping the effort to unionize faculty is the view, observed in US general population polls in 2009, that faculty unions are a negative force (43%), with only 32% seeing them in a positive light (Simon, 2014). For their part, unions do not see the media as being favorable to them. In a survey of 73 education unions affiliated with Education International across 55 countries, 51% of the unions felt that the media portrayed teachers in negative terms and that a similar proportion portrayed their unions negatively (Symeonidis, 2015). Another study of the mainstream media in 12 countries (eight Spanish-speaking and four English-speaking countries) found that this media depicted teachers and teacher unions as obstacles to the improvement of education (Gautreaux and Delgado, 2016).

Some union leaders in Latin America perceive an anti-union strategy operating in several international organizations, including the World Bank, the regional banking institutions, WTO, and even some bilateral organizations. They assert that this view is communicated through frequent publications demeaning the

11 The US average pay for casualized faculty was about \$2,500 per course in 2010, according to a nationwide survey, or less than half the (prorated) pay per course earned by a permanent faculty member.

12 Another newcomer in the recruitment of contingent faculty is United Auto Workers

performance of teachers and complaining that labor unions tend to block all kinds of educational reform. Mentioned as a recent example was the World Bank publication, *Great Teachers: How to Raise Student Learning in Latin America and the Caribbean* (Bruns and Luque, c. 2015).

To improve the social perception of unions, some voices—both within and outside the unions—hold that unions should advocate not only for better salaries and working conditions but also for teaching as a profession (Kercher, Koppicy, and Weeres, 2002; see also Chase, 1997). In their view, “Institutional thinking requires not only advocacy for the present, but also designing for the future Knowledge workers assume most of the educational solutions will be created from the classroom rather than assembled centrally and handed down” (Kercher, Koppicy, and Weeres, 2002, p. 23; see also Bascia and Stevenson, 2017). These authors also believe that a new unionism should be based on three principles: organizing around equality, organizing around individual schools, and organizing around teaching careers. While professionalism is an issue that must accompany all collective action by higher education personnel, it is also clear that working conditions in current university environments demand more attention.

Measures to be considered

This study has shown that R97, despite its enormous importance as a document with international validity and its identification of core principles regarding both higher education institutions and the teaching personnel in them, is woefully unknown. In view of the considerable challenges facing higher education today, the first task is to drastically improve the dissemination of this standards-setting document.

Making R97 much better known would motivate unions to contact CEART more often, either to seek assistance in monitoring the Recommendation's implementation or to present allegations for careful review. This would necessitate also clarification of the procedures to be followed when presenting claims. To many of the respondents, it was not clear whether complaints should go through EI or directly to CEART, or if instead communications should go to UNESCO or ILO.

It is laudable that R97 counts on CEART—a committee of experts from all over the world. Yet, since this committee meets only once every three years and counts on limited secretarial support, it would be advisable to seek ways in which CEART could take a more active role. This view is also held by Karran (2009, p. 211), who recommends that CEART “consider increasing its work rate and meeting more frequently.” UNESCO and ILO's support of CEART in terms of additional human resources, therefore, needs to be revisited and given greater priority.

Furthermore, UNESCO/ILO should foster a global dialogue on academic freedom, privatization, and the conditions facing casualized faculty. This dialogue should have the participation of Education International (EI), which—by representing more than 32.5 million teachers in the world—would bring to the table the perspective of those who teach and do research in higher education institutions. EI's recognition as an important player in the area of higher education must continue to be fostered. For instance, EI's participation in the Bologna Agreement discussions was not accepted until 2005, reflecting an initial reluctance to include a possibly alternative voice in the proceedings, but a voice that is deeply impacted by their outcomes.

EI should also be more engaged in publicizing R97 among its affiliates. Discussions about R97 could be accompanied by the presentation of case studies in which CEART had played a crucial role. “World Teachers' Day” and national events organized by UNESCO Commissions and EI affiliates in many

countries could also serve as occasions for dissemination and discussion of R97. Since UNESCO chairs in education exist in many countries, these too could be used to promote R97 within the universities in which they function. The main objective of these activities would be to make R97 a more living document, to celebrate its principles, and to promote its consultation to facilitate changes in higher education institutions.

Concluding thoughts

R97 makes a clear case as a supranational and legitimate instrument to protect the rights and professional status of higher education personnel. Beyond question is R97's value as a critical standard-setting instrument with content and value of direct relevance to current context. It establishes principles for core areas of higher education affecting the teaching personnel in them. It also establishes international standards for universities and other higher education institutions. As a European teachers union leader reminds us, the university is "a unique kind of institution which has the purpose of challenging existing belief, political correctness, and established truth in the search for deeper understanding and insights of human behavior and the surrounding natural environment and resources." R97 is a document that can serve as a powerful tool in advocating and drafting national legislation on the status of the academic profession and the conditions for its flourishing.

Though not a convention but only a recommendation, R97 draws its power from the "name and shame" strategy used by CEART. But for it to serve for advocacy and legitimation purposes, R97 must become more widely distributed and invoked. As this study has shown, R97 is not sufficiently known, much less applied by its own constituency, the labor unions. A near invisibility after 20 years does not do justice to such a valuable document. Responsibility for its dissemination must be shared by ILO and UNESCO, including the UNESCO national commissions and the UNESCO chairs existing in many universities. There exists a great potential for other institutions and groups such as the International Task Force on Teachers, EI, and EI national affiliates to more actively promote it,

In discussing the relevance of R97 today, we are obliged to acknowledge that neoliberal economic models have created significant challenges for higher education across many dimensions. Today, great importance is given to the notion of quality, thus the frequent references to "quality control" and "accountability." But the notion of quality merits comprehensive debate. The strong link between the quality of higher education and the quality of its teachers is too often glossed over. Quality of teachers—and thus of learning—at the higher education level is tied to the recruitment of the most competent professionals to employment in higher education institutions and making universities a well-equipped and satisfying place to work.

For over 200 years, the Humboldtian principle of "the unity of teaching and research" (Badley, 2009, p.160) has been endorsed by many institutions of higher education. This principle continues to be one of the best paths to follow for the creation and transmission of knowledge. And yet, it is being de facto challenged.

With an escalating divide between teaching and conducting research, and with the scales of value tilting toward research and away from teaching—and thus from essential learning—the identity of the university is undergoing substantial redefinition. Other core features are being affected as well. With the large majority of higher education teaching personnel working under the status of contingent faculty, how can we talk of an institution characterized by shared governance? If the university is to be a “place where students learn to speak out what they think” (Badley, 2009, p. 157), how can this be possible when an increasing number of professors see themselves constrained by limits to their voices and points of view; how can we talk about academic freedom?

We have increasing evidence that many of the higher education teaching personnel and their unions—active or potential—face difficult times. This knowledge is not complete and would benefit from case studies covering all regions of the world and probing into the principles identified in R97. As noted above, the overrepresentation of women as contingent faculty and their underrepresentation as professors merits explicit and serious attention.

Austerity strategies have brought constant crises to the functioning of higher education institutions. Economists themselves are recognizing that austerity programs generate substantial welfare costs not only because they reduce the supply of needed services but also because they hurt the demand for labor, leading to higher unemployment rates (Ostry et al., 2016). The recruitment of more permanent teaching personnel will certainly require greater public investment in these institutions. No doubt, greater academic freedom will likely result in critiques of governmental policy. But these are costs that democracies must be willing to accept if they are indeed to deserve that name.



References

AAUP. 2017. *Updates*. 30 August.

Altbach, Philip, Reisberg, Liz, and Rambley, Laura. 2009. *Trends in Global Higher Education: Tracking an Academic Revolution*. Paris: UNESCO, 2009.

Appiagyei-Atua. 2015. Scholars At Risk Network. <https://www.scholarsatrisk.org/resources/unesco-1997-recommendation-legal-bi>

Badley, Graham. 2009. A place from where to speak: the university and academic freedom. *British Journal of Educational Studies*, 57(2): 146-163.

Bourdieu, Pierre. 1998. *Acts of Resistance. Against the Tyranny of the Market*. New York: The New Press.

Brooks, Chris. 2017. The Cure Worse than the Disease: Expelling Freeloaders in an Open-Shop State. *New Labor Forum*, 24 August.

Bruns, Barbara and Luque, Javier. c. 2015. *Great Teachers: How to Raise Student Learning in Latin America and the Caribbean*. Washington, D.C.: The World Bank.

Bureau of Labor Statistics. 2017. News Release. Washington, DC: US Department of Labor, January 26.

Chase, Robert. 1997. Bob Chase: Higher Education and the New Unionism. *The HEA Higher Education Journal*. Spring.

Clarke, Marie. 2015. *Creating a Supportive Working Environment in European Higher Education*. Brussels: Education International Research Institute.

COUNCIL OF Ministers of Education. 2001. Report of Canada concerning the application of the UNESCO Recommendations on the Status of Higher Education Personnel. Toronto: Council of Ministers of Education, Canada.

Di Leo, Jeffrey. 2017. *Higher education under late capitalism: identity, conduct, and the neoliberal condition*. LONDON??Palgrave Macmillan.

ETUCE. 2016. *Social Dialogue and Collegial Governance in Higher Education and Research. Report on the ETUCE Survey 2016*. Brussels: European Trade Union Committee for Education.

Evans, Michael. 2017. Casuals still struggling. *Connect. The Magazine for Australian Casual and Sessional University Staff*, 10(2): 7. [Connect+10+02.pdf](#)

- Gautreaux, Michelle and Delgado, Sandra. 2016. Portrait of a Teach for All (TFA) Teacher: Media Narratives of the Universal TFA Teacher in 12 Countries. *Education Policy Analysis Archives*, 24(110).
- Heath, Mary and Burdon, Peter. 2013. Academic Resistance to the Neoliberal University. *Legal Education Review* 17, 23(2) 379-401.
- ILO. Table developed by ILO staff member, personal communication, August 2017.
- Karran, Terence and Mallinson, Lucy. 2017. Academic Freedom in the UK: Legal and Normative Protection in a Comparative Context. Report for the University and College Union. Lincoln, UK: University of Lincoln.
- Kerchner, Charles, Koppich, Julia, and Weeres, Joseph. 2002. "New and Improved" Teacher Unionism: But Will It Wash? *Educational Leadership*, 55(5): 21-24.
- Klees, Steven, Samoff, Joel, and Stromquist, Nelly (eds.). 2012. *The World Bank and Education: Critiques and Alternatives*. Rotterdam: Sense Publishers.
- Kniest, Paul. 2017. Australian universities' casual approach to employment. *Connect. The Magazine for Australian Casual and Sessional University Staff*, 10(2): 20-21. [Connect+10+02.pdf](#)
- Kuhn, Peter and Marquez, Gustavo (eds.). 2005. What Difference Do Unions Make? Their Impact on Productivity and Wages in Latin America. Washington, D.C.: Inter-American Development Bank.
- Llomovatte, Silvia and Wischnevsky, Judith. 2012. Condiciones laborales de los docentes universitarios en los 90. Algunos resultados de investigación. *Praxis Educativa*, pp. 15-26. [<n03a03llamovatte, pdf>](#)
- Macfarlane, Bruce. 2017. Universities must stand up to Chinese Censorship. *University World News*, no. 471. 20 August.
- Miller, Justin. 2015. When Adjuncts Go Union: American Prospects Longform [<prospects.org>](#)
- Mohamedbhai, Goolam. 2008. The Effects of Massification in Higher Education in Africa. Report Commissioned by the Association for the Development of Education in Africa (ADEA).
- Moser, Richard. 2014. Organizing the New Faculty Majority. In Keith Keller (ed.), *Equality for Contingent Faculty: Overcoming the Two-Tier System*. Nashville: Vanderbilt University Press, 2014, pp. 77-115.
- Munene, Ishmael. 2012. Higher Education in Africa: Institutional Response to Globalization. In Colin Legum (ed.). *Africa Contemporary Record*, 29(1): A1-A16. New York: Holmes & Meier Publishing.
- Ostry, Jonathan, Loungani, Prakash, and Furceri, Davide. 2016. Neoliberalism: Oversold? *Financial Development*, July, pp. 38-41.

- Rea, Jeannie. 2016. Workforce participation: How staff voices are heard—a Union perspective. Power Point presentation by Jeannie Rea, national president, NTEU, Australia. Presentation at University Governance and Regulation Forum, NTEU, Sydney.
- Robinson, David. 2006. The Status of Higher Education Teaching Personnel in Australia, Canada, New Zealand, the United Kingdom, and the United States. Brussels: Education International.
- Rowland, Stephen. 2002. Overcoming Fragmentation in Professional Life: The Challenge for Academic Development. *Higher Education Quarterly*, 56(1): 52-64.
- Scholars at Risk Network. 2017. *Free to Think 2017: Anti-Democratic Trends Driving Attacks in Higher Education Worldwide*. New York: Scholars at Risk Network.
- Schugurensky, Daniel. 2013. Higher Education in the Era of Globalization: Toward a Heteronomous Model? In Robert Arnove, Carlos Alberto Torres, and Stephen Franz (eds.). *Comparative Education: The Dialectic of the Global and the Local*. Fourth ed. Boulder: Rowman & Littlefield, pp. 293-314.
- Sia, Lucio. 2012. The status of academic freedom and institutional autonomy worldwide and its protections at institutional and national level." Background paper for discussion at the 11th Session of CEART. Geneva: ILO.
- Simon, Stephanie. 2014. The Fall of Teachers Unions. *Politico*. June 13, 2014.
- Stromquist, N. P. 2017. The professoriate: the challenged subject in US higher education. *Comparative Education*, 53(1): 132-146.
- Symeonidis, Vasilios. 2015. The Status of Teachers and the Teaching Profession: A study of education unions' perspectives. Brussels: Education International.
- UNESCO 2009. World Conference on Higher Education. Paris: UNESCO.
- UNESCO. 2015. Monitoring the Implementation on the Convention and Recommendation against Discrimination in Education (8th Consultation). The Right to Education and the Teaching Profession: Overview of the Measures Supporting the Rights, Status and Work Conditions of the Teaching Professions reported on by Member States. Background document prepared for the 12th Session of CEART, 20-24 April 2015. Paris: UNESCO. September.
- World Bank. 2015. *Higher Education*. Washington, D.C.: World Bank. <www.worldbank.org/en/tropic/tertiaryeducation>
- World Education Report 1998. *Teachers and teaching in a changing world*. Paris: UNESCO.

Appendix A—Selected Articles and Paragraphs of the UNESCO 1997 Recommendation concerning Higher Education Teaching Personnel

IV. Educational objectives

- 10(a). “Higher education is directed to human development and to the progress of society.”
- 11. “Higher education personnel should have access to libraries which have up-to-date collections”
- 13. Encourage “the interplay of ideas and information among higher-education teaching personnel throughout the world.”

V. Institutional rights, duties and responsibilities

A. Institutional autonomy:

- 17. “The proper enjoyment of academic freedom and compliance with [pertinent] duties and responsibilities . . . require the autonomy of higher education institutions.”
- 21. “Self-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education.”

VI. Rights and freedoms of higher-education teaching personnel.

B. Self-governance and collegiality:

- 31. “Higher education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities to take part in the

governing bodies and to criticize the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate, and they should also have the right to elect a majority of representatives to academic bodies within the higher education institution."

32. "The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision making structures and practices, and the development of consultative mechanisms. Collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources and other related activities, in order to improve academic excellence and quality for the benefit of society at large."

IX. Terms and conditions of employment

A. Entry into the academic profession:

40. "The employer of higher-education teaching personnel should establish such terms and conditions of employment as will be most conducive for effecting teaching and/or research and/or scholarship and/or extension work and will be fair and free from discrimination of any kind."
43. "Higher education teaching personnel should enjoy: (a) an open system of career development, including fair procedures for appointment tenure where application, promotion, dismissal, and other related matters."

B. Security of employment:

45. "Tenure or its functional equivalent, where applicable, constitutes one of the major procedural safeguards of academic freedom, and against arbitrary decisions"
46. "Security of employment in the profession, including tenure or its functional equivalent, where applicable, should be safeguarded as it is essential to the interests of higher education personnel as well as those of higher-education teaching personnel"

F. Salaries, workload, social security benefits, health and safety:

- 58(a). "Salaries should be comparable to those in other occupations requiring similar or equivalent qualifications."
- 58(c). "Provide higher education teaching personnel with the means to ensure a reasonable standard of living for themselves and their families."

- 63.** “Higher education teaching personnel should be provided with a work environment that does not have a negative impact on or affect their health and safety and they should be promoted by social security measures, including those concerning sickness and disability and person entitlements”

H. Terms and conditions of employment of women higher-education teaching personnel:

- 70.** “All necessary measures should be taken to promote equality of opportunity and treatment of women higher-education teaching personnel in order to ensure, on the basis of equality between men and women, the rights recognized by the international standards”

J. Terms and conditions of employment of part-time higher-education teaching personnel

Personnel employed regularly on a part-time basis should:

- 72(a).** “Receive proportionately the same remuneration as higher-education teaching personnel employed on a full-time basis and enjoy equivalent basic conditions of employment.”
- 72(b).** “Benefit from conditions equivalent to those of higher-education teacher personnel employed on a full-time as regards holidays with pay, sick leave and maternity leave; the relevant pecuniary entitlements should be determined in proportion to hours of work or earnings.”

IX. Utilization and Implementation of Recommendation

- 74.** “Member States and higher education institutions should take all feasible steps to apply the provisions spelled out [in the Recommendation].”
- 75.** “The Director General [of UNESCO] will prepare a comprehensive report on the world situation with regard to academic freedom and to respect of the human rights of higher education personnel on the basis of the information supplied by Member States”





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Twenty years later: International efforts to protect the rights of higher education teaching personnel remain insufficient

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