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ABSTRACT

CHANGES IN THE ROLE OF THE PRESIDENT'S OFFICE IN SELECTED UNIVERSITIES FOLLOWING FACULTY UNIONIZATION

By

Gary L. Jones

The consensus among scholars who study the subject is that the structure of university governance is one of shared authority or co-governance. Intrinsic to such an organizational pattern are at least two subcultures--academic and finance-management--that interrelate functionally with the office of the university president.

The purpose of this study was to analyze the role of the university president's office at five selected institutions and determine whether and what changes have occurred as a result of faculty unionism. Two basic dimensional questions were posed: a) within each subculture, does the role of the university president become more or less involved? b) with which subculture was the office of the president more involved prior to and following collective bargaining?

Methodologically, twenty-three focused interviews following the format of an interview guide were taped on the five campuses. The interviewees, representing the two

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subcultures, break down as follows: four presidents, one executive vice-president who substituted for the president; three academic vice-presidents and two assistant vice-presidents; three vice-presidents of finance or personnel, one assistant vice-president and one dean of administration; two presidents and three immediate past presidents of the faculty union; and three chairmen or presidents of the university senate (at one institution no senate exists and at another the chairman is the university president). During the interviews, four categories in which presidents hold responsibility through the shared-governance concept were analyzed: governance, management, personnel matters, and educational policy.

Among the major findings of this study are that:

- the finance-management members of the administration have increased their frequency of input to the office of the president, while the president's involvement with the academic members remains the same. There is no change in his involvement with faculty standing or university committees. While union committees have replaced the faculty standing committees in personnel matters, the frequency of input from the latter remains essentially unchanged. The situation is similar with the faculty senate in general.

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- the union's input or influence in educational and institutional policies consists primarily of recommendations to and consultation with the "administrative family." The union has had little or no influence on these policies, unless as a result of bargaining issues.
- since the advent of collective bargaining, faculty unionism has reduced the power and authority of the president and his administration in personnel matters. However, an increase in the president's authority, resulting in part from the financial austerity position of the institutions, was observed principally in three of the four categories (governance, management and educational policy). The authority to manage has become more pronounced as a result of decreased appropriations (calculated on a per student and per faculty basis) from the legislature for the operation of the entire institution.
- although subordinates seem to believe that presidential involvement with finance-management matters (budget and mediation) has increased, the replies from the presidents--when rank ordering their tasks--do not support this view. (Four of the five presidents believed that no change in task priorities occurred.)

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- collective bargaining does not noticeably increase the normal adversarial relationship between the office of the president and the faculty.
- / the primary effect of faculty unionism upon the office of the president is to reduce its influence and flexibility in personnel matters in general and grievance procedures and retrenchment in particular. This reduction generally results from more explicit personnel policies which centralize procedures, but decentralize authority.

CHANGES IN THE ROLE OF THE PRESIDENT'S
OFFICE IN SELECTED UNIVERSITIES
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By

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A DISSERTATION

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I am indebted to my wife, Barbara, for her love and understanding and for keeping home a happy place. These pages are dedicated to her and our children, Julie and Gary II, from their grateful husband and father.

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CHAPTER I

INTRODUCTION

Background

The president of a university faces an institution as complex in personnel and function as any organization in society. In the words of Clark Kerr:

The university president in the United States is expected to be a friend of the students, a colleague of the faculty, a good fellow with the alumni, a sound administrator with the trustees, a good speaker with the public, an astute bargainer with the foundations and the federal agencies, a politician with the state legislature, a friend of industry, labor, and agriculture, a persuasive diplomat with donors, a champion of education generally, a supporter of the professions, a spokesman to the press, a scholar in his own right, a public servant at the state and national levels, a devotee of opera and football equally, a decent human being, a good husband and father, an active member of a church.

As if that were not enough, Kerr goes on to say:

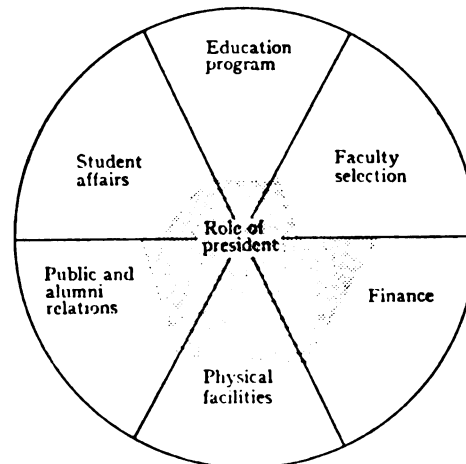
He is one of the marginal men in a democratic society--of whom there are many others--on the margin of many groups, many ideas, many endeavors, many characteristics. He is a marginal man but at the very center of the total process.¹

"At the very center of the total process" is where he finds himself in the world at large and especially in the academic community. One can perceive this centrality in John J. Corson's schematic analysis of the presidential role in university government. Corson divides the

¹Clark Kerr, The Uses of the University (New York: Harper & Row Publishers, 1966), pp. 29-30.

president's jurisdiction into six sectors--education programs, faculty selection, student affairs, finance, physical facilities, and public and alumni relations. The president has a role in each of these principal areas of decision-making, but in each area he is opposed by countervailing forces--the faculty, the trustees, the students, the alumni or other constituencies.

In the diagram below, Corson suggests the profile of the governance role of a typical president by the darkened center portion:



Role of the President

As is evident from the diagram, Corson sees the presidential role as least significant in educational programs and in faculty selection, and only slightly more important in student affairs. He finds that in practice the president is seldom either "the author of big, new ideas about educational programs" or "the stimulus that evokes ideas from others."²

²John J. Corson, Governance of Colleges and Universities (New York: McGraw-Hill Book Company, Inc., 1960), pp. 63, 70-71.

More substantial presidential powers exist in the financial, physical plant and public relations areas.

This observation illustrates a unique administrative structure not seen in government or business enterprises, where the "staff-line" theory exists. To be more specific, there exists within the governance (decision-making) structure of all academic institutions two "subcultures": the non-hierarchical subculture, consisting of the president and his academic staff (the provost or academic vice-president, the academic deans, the dean of students--and to some extent the admissions and registrar officials); and the hierarchical subculture, consisting of the president and his auxiliary staff (the vice-president for finance and management, a public relations official, an employee relations official, and the physical plant supervisor among others).

Thus, two subcultures, administratively speaking, co-exist on the campus: one which is hierarchical, or to a great degree rationalized, and the other non-hierarchically loose and unstructured.

The implications for university governance are clear. Decision-making in the university must involve not only the trustees, the president, or the deans, but also the professor-researcher. As a person on the "assembly line," so to speak, the professor-researcher knows intimately what the "production" of the university is all about; his immediate proximity to learning and scholarly creation

gives legitimacy to much of the decision-making in the academic community.

In the non-hierarchical subculture, perhaps Logan Wilson best described the differences between the professor-researcher and administrator as being "more analogous to those between the infantry officer and the artillery officer than to those between the captain and the general"--a "functional" rather than a "scalar" difference.³

A "functional" difference rather than a "scalar" difference indeed! While this contrast is more correct in the non-hierarchical than in the hierarchical subculture, the literature generally supports the contention that these two subcultures do exist. Hence, there is no single hierarchical structure existing as an all-powerful university government.

What then exists?

Millett posits that it is a "community of authority" in which power is shared by the faculty and administration and, to a lesser degree, the alumni and students.⁴

Demerath suggests a concept of "collegialization" which combines a non-hierarchical view of university government with a realization of the need for improved structures and other devices not implied in the principle of "colleague

³Logan Wilson, The Academic Man (New York: Octagon Books, 1964), p. 73.

⁴John D. Millett, The Academic Community: An Essay on Organization (New York: McGraw-Hill Book Company, Inc., 1962), p. 62.

authority."⁵ Collegialization can be accomplished by means of improved administrative and management procedures which facilitate and regularize faculty participation in the spheres of consultation, communication and decision-making.

While Millett and Demerath have different ways of describing the acceptable ways of structuring the academic institution, they agree on the dominance of a non-hierarchical organizational pattern. Yet, both their basic concepts in effect amount to co-governance or shared authority of academic institutions by administration and faculty.

This quality of cooperation between faculty and administration cannot be facilitated by dividing the governmental decision-making tasks into an academic subculture (where faculty influence might be considerable) and a finance-management subculture (where the administration would be dominant). Archie R. Dykes points out that such a "dichotomy is arbitrary and simplistic."⁶ Unfortunately, all finance-management decisions in a university directly affect academic policy, and vice versa. The very heart of governing a university may well lie in the judgments pertaining to the balancing of academic needs with the

⁵Nicholas J. Demarath, Richard W. Stephens, R. Robb Taylor, Power, Presidents and Professors (New York: Basic Books, Inc., 1967), pp. 216-217.

⁶Archie R. Dykes, Faculty Participation in Academic Decision Making, (American Council on Education: Washington, D. C., 1968), pp. 4, 40.

realities of an institution's finance-management situation.⁷ In other words, while each component may have something to say about all the decisions affecting the university, different kinds of decisions require different weights of decision-making power for each component, depending upon the relationship of the particular component to the decision at hand. The concept of shared authority relies heavily, therefore, on reciprocal influence.

However, the four-year institutions of higher education have been confronted with a new "constituency" since the latter part of the 1960's which has invoked "power" as opposed to "reciprocal influence" in the governance of a university: the faculty union.

The faculty union is essentially a political majoritarian institution. It exists to represent the interests of its members as determined by a majority of the members structured to maintain a formalized or bureaucratic organizational pattern. When a faculty opts for collective bargaining, it chooses to place primary reliance on power in confronting the administration. The consequence has been described by Duperre as nonintegrative conflict "in which at least one of the parties perceived the other as an adversary engaging in behavior to destroy, thwart, or gain

⁷Henry L. Mason, College and University Government: A Handbook of Principle and Practice, (New Orleans: Tulane University, 1972), p. 7.

scarce resources at the expense of the perceiver."⁸ While such a proposition may be a bit strong or reactionary, it does cause one to consider the suggestion by McGeorge Bundy that a "reshaping of the political process" is at the heart of the decision-making milieu of university governance.⁹

The accuracy of this suggestion is evident when one views faculty unionism's emergence as a potent force in higher education. As of June 1975, there were 256 institutions with 385 campuses where faculty members had named agents to represent them in collective bargaining. The most popular faculty bargaining agent, the National Education Association (NEA), represented faculty members at 104 institutions on 148 campuses, including 24 four-year institutions on 46 campuses. The American Federation of Teachers (AFT), an affiliate of the AFL-CIO, had won rights to represent faculty members at 68 institutions on 96 campuses, including 18 four-year institutions on 27 campuses. The traditional faculty professional association, the American Association of University Professors (AAUP), reluctantly entered the collective bargaining arena with 28 institutions on 35 campuses, including 25 four-year institutions on 32 campuses.

⁸M. R. Duperre, "Faculty Organizations As An Aid To Employment Relations In Junior Colleges." In S. Elam & M. H. Moskow (Eds.), Employment Relations In Higher Education (Bloomington: Phi Delta Kappa, 1969) as quoted in T. R. McConnell and Kenneth P. Mortimer, The Faculty In University Governance (Berkeley, California: Center for Research and Development in Higher Education, 1971), p. 9.

⁹McGeorge Bundy, "Faculty Power," The Atlantic, September, 1968, p. 44.

In addition, 34 institutions on 34 campuses, including 8 four-year institutions, have "independent agents"; an additional 20 institutions on 63 campuses are represented by the merged affiliates of NEA and AFT in the state of New York. Finally, the merged affiliates of the NEA and AAUP represent 2 institutions on 9 campuses in Hawaii.

A summary of the above statistics relating only to four-year institutions provides us with the following: 86 four-year institutions have had their faculty name agents to represent them on 154 campuses since 1967, when the U.S. Merchant Marine Academy voted for faculty unionism. The initial major triumph by faculty unionists occurred at the City University of New York in 1968.¹⁰

It is the intent of this study to determine only certain effects such unionism has had on academic governance. One can illustrate, however, what possible "reshaping of the political process" of university governance may be occurring by citing a list of the issues that faculty unions see as within their "scope" as presented by Israel Kugler before the New York Public Employment Relations Board during the State University of New York (SUNY) hearings in 1972. Specifically, they include:

¹⁰ There is no concurrence from several sources as to the proper figures to be used above. The figures noted were tabulated from "Collective Bargaining on Campuses: Where College Faculties Have Chosen or Rejected Agents," The Chronicle of Higher Education, Vol. X, No. 15 (June 9, 1975), p. 5.

Merit increases, number of students, promotions, compensation for extracurricular activity, TV and radio tape residuals, research staff, office space, secretarial services, travel funds, academic calendar, evening and extension assignments, sabbatic leave, leaves of absence, maternity and sick leave, tenure policies, grievance procedures, general regulations pertaining to campus affairs, consultation on educational matters, curriculum admissions, student activities, choice of administrators (including deans, chairmen, presidents), pensions, health benefits, life and disability insurance, salary policy, moving expenses, tuition waiver for dependents, central faculty authority, master plan formulation, educational policy governing entire university establishment of new campuses, inter-college agreements, and finally, but not least, selection of the chancellor and other central administrators.¹¹

Significance

There is a need for research in the area of collective bargaining in higher education in general; there is a paucity of research in the area of its effect on the role of the university president's office in particular. Myron Lieberman has pointed out that a major limitation in discussing employment relations in higher education is "the lack of comprehensive data on the nature, number and effectiveness" of these systems.¹² If the trend in faculty unionism resembles the growth and subsequent impact that the industrial labor unions have had on industry, the possibility exists for a shattering impact on the "placid

¹¹Everett Carll Ladd, Jr. and Seymour Martin Lipset, Professors, Unions, and American Higher Education (American Enterprise Institute, Washington, D. C., 1973), p. 84 as excerpted from William F. McHugh, "Faculty Unionism," in Bardwell C. Smith (ed.), The Tenure Debate, Jossey-Bass, San Francisco, 1973.

¹²Myron Lieberman, "Representational Systems in Higher Education," Employment Relations in Higher Education, p.40.

precincts" of university governance and the role of the office of the president in particular.

A study on the changes in the "office's" role that result from collective bargaining may provide members of the academic community with a better understanding of the impact of faculty unionism. Thus, those universities considering whether to move in that direction might better be able to assess likely effects such a phenomenon would have upon their institution.

The Problem

Whether the current trend in faculty unionism of the last decade continues at its present pace or resembles the industrial labor union growth of the 1930's and 1940's, the impact on university governance could be dramatic.

Forceful, dominant architects of university governance--such as Robert Hutchins, Daniel Gilman, Benjamin Wheeler, Charles Eliot, and Lawrence Lowell--have been noticeably absent since the 1940's. Literature expresses a consensus that shared authority, as noted by Millett and Demerath earlier, is now the predominant organizational pattern in the four-year colleges and universities of higher education.

Statement

The problem to be considered in this study is whether and what changes have occurred in the role of the university president's office as a result of faculty unionism on campus.

Analysis

Analysis entails a more lucid breakdown or subdivision of the statement. The literary consensus, as shown in the preceding "background" section, is that present university governance structure is one of co-governance or shared authority. Such an organizational pattern elicits at least two subcultures. Additional subcultures may exist, but this study will consider the academic subculture and the finance-management subculture.

The stated problem of this study poses two basic dimensional questions: the first is a "time sequence" inquiry; the second is a "rank ordering" interrogative.

1) What happens to the role of the university president within a subculture over time: a) Does it become more or less involved in the academic subculture? b) Does it become more or less involved in the finance-management subculture?

2) In rank ordering the academic and finance-management subcultures, a) Which one was the office of the president more involved in prior to collective bargaining? b) Which was the office of the president more involved with following collective bargaining?

Delimitations

Interviews for this investigation were limited to the university president (executive vice-president in one case), one representative of the academic subculture, one

representative of the finance-management subculture, as well as the union president and president of the academic or university senate when one existed at each of the five universities.

Presidents interviewed were those whose term of office began prior to the first collective bargaining contract.

The main body of related research is drawn from literature dealing with university governance, the office of the university president, the history and effects of collective bargaining on academia, and administrative theory in general.

Theoretical Framework

William B. Boyd, president of Central Michigan University, has stated that, along with the financial problem confronting most universities, there is "basically a political problem--that of who actually controls the university." He went on to add, "It's the old story about controlling the purse strings....When the purse strings are drawn tighter (by the Legislature), the political autonomy of the university begins to erode."¹³ The tightening of the dollar flow from the state legislature to universities has had its impact on the role of the president's office as it relates to collective bargaining. Many experts consider the trend

¹³John E. Peterson, "University Presidents Become Mediators," Detroit News, September 25, 1971, p. A-3.

toward faculty unionism to be based partially on the faculty's desire to get at least its share of the dwindling university resources. Many faculties consider the best way to accomplish this goal to be through collective bargaining.

Another observer of the university scene recently stated, "The trouble is that college presidents and the board of trustees no longer have control of university government. There are probably a dozen or more special interest groups--faculty, administrators, students, clerical help, hourly workers, townspeople, minority groups, and even nonstudents--who can exercise a powerful veto on particular issues."¹⁴

Other educators prefer to look at it another way. Said a long time University of Michigan professor of political science: "The best an effective administrator can hope for is to bring all the various factions into some semblance of accord."¹⁵

Assumptions

The basic framework or thrust of this study concerns possible changes in the role of the university president's office resulting from faculty unionism. Such an investigation should offer evidence that will verify or refute the following:

¹⁴Ibid.

¹⁵Ibid.

1) The introduction of collective bargaining decreases the power of the president's office in shared governance.

2) The introduction of collective bargaining reduces the power of the president's office since negotiations are primarily with agents of state government.

3) The introduction of collective bargaining reduces the power of the president's office to influence the quality of the faculty since faculty salaries, hiring and tenure are all determined through formalized procedures.

4) The introduction of collective bargaining creates an adversary relationship between the president's office and faculty since the president is part of management's negotiating team.

Definitions

For the purpose of this study, the following definitions are used:

Faculty unionism refers to the presence of collective bargaining at four-year colleges and universities. The term has recently surfaced to eliminate "labor" because of strong organizational and individual biases relating to the latter term.

Collective bargaining and collective negotiations are terms used interchangeably. They refer to a process whereby the faculty and their employer make offers and counteroffers in good faith on the conditions of their employment relationship for the purpose of reaching a mutually acceptable agreement. The term "negotiations" is used by some bargaining agents because of strong organizational and individual biases.

Shared authority refers to an interdependence among the administration and faculty (and other components in university government to a lesser degree) with joint

authority and responsibility for governing the college or university. It requires a high degree of mutual trust, collaboration, and rejection of adversary relationships to arrive at policy decisions.

Academic subculture refers to the non-hierarchical subculture of university governance consisting of the president and his academic staff--the provost or academic vice-president, academic deans, dean of students, the admissions and registrar officials.

Finance-management subculture refers to the hierarchical substructure consisting of the president and his auxiliary staff--the business manager, public relations official, employee relations and physical plant supervisor.

University governance refers to the organizational framework through which a university, as a political unit, exercises authority and performs functions according to the distribution of power within it.

University refers to a public institution of higher learning providing facilities for teaching and research and made up of an undergraduate division which confers baccalaureate degrees and a graduate division which confers masters and/or doctorate degrees. For the purpose of this study, the term "college" is used synonymously with "university."

Administration refers to techniques and procedures employed in operating the educational organization in accordance with established policies.

Management refers to a process consisting of planning, organizing, actuating and controlling the work of others, performed to determine and accomplish objectives.

Educational policy refers to a judgment derived from some system of values and some assessment of situational factors, operating within institutionalized education as a general plan for guiding decisions regarding means of attaining educational objectives.

Institutional policy refers to a definite course or method of action by the organization selected from among alternatives and in light of given conditions to guide and determine present and future decisions.

Input - used here in a special sense to mean forms of written or oral communication.

Note: In most cases, the definitions of the above terms are supplied by the Dictionary of Education by Carter V. Good.

CHAPTER II

REVIEW OF RELATED LITERATURE

History of Collective Bargaining in American Higher Education

Introduction

The histories of American education, teachers' associations and the legal bases for education have been literary topics since colonial times. Not until the 1960's did considerable attention shift to the subject of collective bargaining and faculty unions.

The history of this movement in education is largely a history of the activities of three associations--the American Federation of Teachers, the National Education Association, and, to a lesser degree, the American Association of University Professors.

Founded in 1916 as an affiliate of the American Federation of Labor (AFL), the AFT is the oldest teachers' "union." It has always included some college and university professors among its membership; however, as an organization primarily interested in primary and secondary level schoolteachers, it had not enjoyed significant support in higher education before the 1960's.

The NEA is the largest professional organization of teachers and the largest public employee organization in this country. Founded in 1857, it has been concerned with

elevating the position of teaching to the status of a profession by enhancing training, requiring formal teachers' credentials and promoting the cause of education in the United States. Early leadership consisted of school superintendents and college and university presidents, which may explain the establishment of a higher education department in 1870. The department was terminated in 1920 and recreated in 1943. The NEA established a Division of Higher Education in 1974.

The AAUP is the largest association composed exclusively of professors in higher education, with nearly 80,000 members. Founded in 1915, its initial major task was the protection of academic freedom in higher education. A more recent and equally significant contribution has been the largely successful effort to secure the institutionalization of academic due process.

It was not until the 1960's, in part responding to the growth of trade unionism through the AFT, that the NEA and AAUP began to reassess their anti-union and anti-collective bargaining positions. The amalgamation of the goals of unions with the long established principles of the NEA and AAUP has transformed these associations into organizations that may be best described as "peculiar hybrids."

A look at some of the early developments of these associations and the events that precipitated and initiated their eventual "official" recognition of collective bargaining in higher education is provided in this section.

Early Developments

The actual genesis of teacher associations can be traced to 1794, when the Society of Associated Teachers met in New York City and declared:

The instructors of Youth in this city, [are] persuaded that an Association of respectable Teachers would be productive of mutual benefit to themselves and to promote the interest of the public...[and] that by uniting their abilities in one social stock they will be enabled to raise a happy emulation in the breast of their Pupil, to the love of Virtue and useful knowledge.¹

In 1857, the New York State Teachers Association, established in 1845, organized a meeting among several existing state teachers associations. It was this meeting that formulated the National Teachers Association (NTA), the forerunner of the modern-day National Education Association (NEA). The NTA became the first permanent association of teachers organized on a national level.

The following summer the NTA held its first annual convention, at which Horace Mann made a statement unusual for his day, but a timely utterance for today:

I maintain that it is not only right and proper, for a teacher, but that it is his duty also, to have reference to the recompense of reward, or in the vernacular, dollars and cents. In this, as in every other vocation, the workman is worthy of his hire. To say that in

¹D. E. Hodge and Lamont Foster Hodge, A Century of Service to Public Education: The Centennial History of the New York Teachers Association (New York: The New York Teachers Association, 1945), p. 14 as quoted in Joel Arthur Goulding, "The History of Unionism in American Higher Education" (Ph.D. dissertation, Wayne State University, 1971), p. 8.

proportion as a work is invested with high and sacred attributes, it is therefore to go unpaid for transcends transcendentalism.²

In 1870, the NTA merged with the National Association of School Superintendents and the American Normal School Association to form the National Education Association (NEA). The NEA became the parent body for twenty-eight state teachers' associations. In these early years the NEA was primarily an organization for those who taught or administered in elementary and secondary schools. (Presently more than 90 percent of the NEA's nearly 1.7 million members are classroom teachers in K-12.)

These early associations directed their activities mainly toward the cultural and professional improvement of their members. Later, the NTA also declared its concerns for professional matters of education. During the last half of the 19th century, neither the NEA nor the state education associations concerned themselves to any great extent with the economic status of the classroom teachers or their memberships in general.

Although this impersonal detachment appears to have been the direct result of the prevailing philosophy of the time, one cannot say that the NEA and state associations were completely ignorant of the economic plight of teachers during these times. For example, in 1863, President

²National Teachers' Association, Proceedings of Second Annual Meeting, 1858, p. 109 as quoted in Goulding, "The History of Unionism," p. 18.

J. D. Philbrick insisted that "the situation of a teacher must be made desirable by adequate compensation." Apparently in response to Philbrick's address, the Association passed its first resolution on salaries during that year.³

Perhaps this unconcern was jolted in 1897, when the Chicago Teachers Federation was founded. The CTF was the first significant as well as permanent example of a teachers union in the United States.⁴ In its very first year, the Federation succeeded in persuading the Board of Education to agree to salary hikes.

In 1905, the NEA changed its posture and published its first major report on teachers' salaries. According to Wesley, "The 1905 salary study demonstrated the efficacy of facts as weapons in the campaign for convincing the public and the profession itself on the need for remedial action."⁵ A rising demand by the NEA's membership for a more active role in the improvement of its academic status led the NEA to establish a permanent research division in 1922, one which still issues biennial salary surveys.

Whether it was the apparent lack of interest and ineffectiveness by the NEA to assist teachers economically for such a long period of time or the successful bid by the CTF

³Edgar B. Wesley, NEA: The First Hundred Years (New York: Harper and Brothers, 1957), pp. 334-342.

⁴Commission on Educational Reconstruction of the American Federation of Teachers, Organizing the Teaching Profession (Glencoe: The Free Press, 1955), p. 21.

⁵Wesley, NEA: The First Hundred Years, p. 335.

of the city of Chicago, teachers began to express their interest in "organizing as workers" as a means to elevate their economic and professional status.

Subsequently, by the end of 1902, the Chicago Teachers Federation decided to affiliate with organized labor, joining the ranks of the Chicago Federation of Labor.⁶ In 1903, a committee of the AFL union turned its attention towards higher education. After conducting an investigation under the direction of Samuel Gompers, a federation committee recommended that the AFL work for "...organization of (college) teachers for the American Federation of Labor and work for an increase in pay for teachers."⁷

The AFL further advocated organization of teachers, elimination of political influence in teacher opportunities, pay increases and the continued presentation of the labor viewpoint in colleges.⁸

However, an obstacle remained. In 1890, Congress passed the Sherman Antitrust Act, which stated in part:

Section 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared illegal. Every

⁶Organizing the Teaching Profession, p. 23.

⁷American Federation of Labor, Proceedings of Annual Convention (1903), p. 29 as quoted in Goulding, "The History of Unionism," p. 25.

⁸Wellington G. Fordyce, "The Origin and Development of Teachers' Unions in the United States" (Unpublished Ph.D. dissertation, Ohio State University, 1945), p. 103.

person who shall make any contract or engage in any combination or conspiracy...shall be deemed guilty of a misdemeanor....

Section 8. That the word "person" or "persons," whenever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any state, or the laws of any foreign country.⁹

Under the court's interpretation of the law, unions were "persons" and a board of education was a "person" confronted by persons, the union. The outcome was that the teachers who organized were considered to be in a conspiracy in restraint of trade. Teachers' unions were, therefore, more restricted than boards of education.

The obstruction was removed with the passage of the Clayton Act in 1914, which removed unions from the antitrust laws:

Section 6. The labor of a human being is not a commodity or an article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor...or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

Section 20. No restraining order or injunction shall be granted by any court of the U.S....in any case involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property right, of the party making the application, for which injury there is no adequate remedy at law....And no such restraining order

⁹Russell A. Smith, Leroy S. Merrifield and Theodore J. St. Antoine, Labor Relations Law (New York: The Bobbs-Merrill Company, Inc., 1968), pp. 57-58.

or injunction shall prohibit any person, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising or persuading others by peaceful means to do so; or from peaceably assembling in a lawful manner...nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.¹⁰

Nevertheless, it was not until 1916 that the teachers were able to establish the American Federation of Teachers. This occurred despite there having been between 1897 and 1916 twenty-one teacher groups in eleven states that were affiliated with labor locals. One of the strongest advocates for teacher unionism at the time was John Dewey. Shortly after the founding of the AFT in the summer of 1916, Dewey addressed a mass meeting of teachers at the National Education Association. He stated:

We [teachers] have not had sufficient intelligence to be courageous. We have lacked a sense of loyalty to our calling and to one another, and on that account have not accepted to the full our responsibilities as citizens of the community.

Dewey further pointed out that

...these labor unions are engaged in useful service; that they also are servants of the public and it may be that if the more enlightened, more instructed--that is to say, the more lettered portions of the community like the teachers--put themselves fairly and squarely on a level with these other bodies of people who are doing needed and useful service, that they will hasten the time when all of these unions will look at all their work and labor...from the standpoint of service to the general public.¹¹

¹⁰Ibid., pp. 58-59.

¹¹John Dewey, "Professional Organization of Teachers," The American Teacher, Vol. V, No. 7 (September, 1916), pp. 99, 101.

The AFT quickly moved into the college field with the chartering of Howard University in 1918, followed by 13 more charters in 1919-1920.

Formation of College Locals

These early college locals had their problems. After World War I, union strikes in the industrial sector turned the public against unionism. In addition, the American Communist Party was established in 1919. The strikes were attributed to revolutionaries and Bolsheviks, with the United States Attorney General determined to eliminate the Communist element. Reactionary interests ensued, discrediting socialists, radicals and labor organizers.

Furthermore, wartime production accomplishments by business had placed a renewed and favorable image of the business enterprise. Couple this with the promised efforts by superintendents at the 1920 Convention of the Department of School Superintendents of the NEA to eliminate teacher unionism and it is not hard to relate the college locals' struggle for existence with the temper of the times. In fact, by 1930, there were only two college locals in existence: Milwaukee Normal Local 79, chartered in 1919, and the Yale Local 204, chartered in 1928.

However, with Franklin Roosevelt's election as President, a renewed confidence was instilled in the nation. Labor legislation favorable to the unions was passed by Congress. The National Labor Relations Act (Wagner Act) of 1935 declared that employees in the private sector:

Section 7....shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities...¹²

This act has been touted by labor economists as the most significant labor law enacted in the United States. Not only did it permit employees to organize, bargain collectively and strike, the Act also created the National Labor Relations Board (NLRB) to prosecute and handle disputes under the Act. The constitutionality of the Wagner Act was affirmed by the U.S. Supreme Court in 1937.

Coincidentally, the AFT membership increased in cities where labor increased its membership after passage of the Act. However, this growth was mainly at the public school level rather than at the college or university level.

By the end of 1940, thirty-six new college locals had been chartered at some of the most respected institutions in the country: Yale, Harvard, Princeton, Chicago, Columbia and Northwestern were among the private universities; Wisconsin, Michigan, Washington, Ohio State and Minnesota among the state universities; and Smith, Amherst, Bennington, Antioch and Tuskegee among the private colleges.

The locals were primarily concerned with the following major areas:

¹²Smith, et al., Labor Relations Law, p. 4.

- 1) Social and economic problems of the country, including the progress of the labor movement.
- 2) Educational problems, especially those related to higher education.
- 3) Economic conditions of the profession.
- 4) Greater democracy in academic governance.
- 5) Defense of academic freedom.¹³

It was these latter two issues or concerns that precipitated a movement in the early 1900's by professors who did not view themselves as being associated with public school teachers or labor causes but, rather, as a "learned society." In 1913 a "call" was sent out by eighteen professors of Johns Hopkins University to colleagues in nine other universities urging them to join minds and interests in a national association of professors.¹⁴

As a result, in 1915 the American Association of University Professors was formed. Its original task was the protection of academic freedom in higher education, with a major effort directed to securing formally protected "job rights" perceived in academe as the issue of tenure.

¹³Jeanette Anne Lester, "The American Federation of Teachers in Higher Education: A History of Union Organization of Faculty Members in Colleges and Universities, 1916-1966" (Unpublished Ed.D. dissertation, University of Toledo, 1968), p. 98.

¹⁴Walter P. Metzger, "Origins of the Associations: An Anniversary Address," AAUP Bulletin, Vol. 51, No. 3, (June 1965), pp. 229-237.

It is interesting to note that, while the association did not address the question of faculty unionism and collective bargaining until the 1960's, one of the most notable advocates of teacher unionism was also a member of the AAUP--John Dewey. Apparently, Dewey saw no conflict in belonging to both organizations.

Communist Penetration

Any discussion of the development of the unions in the 1930's must address the issue of communist influence in the AFT. While in the 1930's noted educators (John Dewey, George Counts, Sidney Hook, Ralph Bunche and John K. Galbraith) and future prominent politicians (Paul Douglas and Mike Mansfield--professors at this time) were members of college union locals, the era was not void of a major divisive factor--communist penetration of college locals.

In 1932, Henry Linville, president of New York Local 5, appointed a grievance committee headed by Dewey to proceed against five left-wing members who were becoming increasingly disruptive and disorderly at Local 5 meetings. The committee found evidence of Communist influence, but tactics of the Communists prevented action being taken at official local meetings. In 1935, Linville petitioned the Executive Council of the AFT to investigate Local 5 and to revoke its charter. The investigating committee confirmed the Dewey Committee's findings.

After reading the investigating committee's report, President Green of the AFL' wired the 1935 AFT Convention

insisting that the charter of Local 5 be revoked and the local reorganized. He said: "The Communists have vowed to destroy the AFL, and we cannot permit the Teachers' Union to be used as an instrumentality through which the Communists will attempt to achieve their destructive purposes."¹⁵

The Executive Council voted to revoke the charter, but the convention did not support the council. Linville left the union and started the Teachers Guild, taking Dewey and several other members with him.

By 1938, the College Section of Local 5 had formed its own local--Local 537. Members included George Counts, Sidney Hook and others. However, these respected liberal educators resigned after charging the union was dominated by Communists.

The Communist party's intent to infiltrate the AFT became explicit in 1937 when an article in a party monthly journal stated: "The task of the Communist Party must be first and foremost to arouse the teachers to class-consciousness and to organize them into the AFT."¹⁶

It was in 1938 that the Communist party members claimed to have penetrated the AFT, particularly the New York locals. At the Tenth Convention of the Communist Party

¹⁵Charles W. Miller, "Democracy in Education: A Study of How the American Federation of Teachers Met the Threat of Communist Subversion Through the Democratic Process." (Ph.D. dissertation, Northwestern University, 1967), p. 42.

¹⁶Robert Iverson, The Communists and the Schools (New York: Harcourt, Brace and Co., 1959), p. 91.

of New York State, a member reported that "our" Local 5 had grown from 300 to 7,000 and that "we" also helped set up the College Teachers Local (Local 537). It was further reported that the executive boards of Locals 5 and 537 were essentially controlled by a Communist faction.¹⁷

In early 1939, both Local 5 and Local 537 were suspended by the Central Trades and Labor Council of Greater New York on the grounds that they took part in Communist activities. It was at this time that George Counts challenged and defeated incumbent Jerome Davis for the presidency of the AFT. Davis had served on the National Board of the American League Against War and Fascism. The League, affiliated with the AFT in 1935, was alleged to be a Communist-front organization. It is interesting to note that Counts and Davis are the only two college professors ever to sit as president of the AFT.

It was not until an AFT Executive Council meeting in 1940 that the New York Local 5 was ordered to show cause why its charter should not be revoked. In early 1941 the council prepared charges against Local 537. In the April issue of The American Teacher, a nationwide referendum was taken on the question of revoking the charters of the New York locals and Local 192 of Philadelphia. The charges by the council and the locals' replies appeared in The American Teacher. All three charters were revoked.

¹⁷"The Council's Proposal to Save the AFT," The American Teacher, XXV (April 1941), p. 4.

At the AFT national convention in 1941, a voice vote sustained the action of the council on the referendum. That convention also amended the constitution to read:

Section 9. No discrimination shall ever be shown toward individual members because of race, religious faith, or political activities or belief except that no applicant whose political actions are subject to totalitarian control such as Fascist, Nazi, or Communist, shall be admitted to membership.¹⁸

Thus, six years after Linville petitioned for a charter revocation of New York Local 5, three Communist dominated locals were expelled and the top leadership of the AFT was free of the influence of Communists.

Emergence of Collective Bargaining Agreements

Noticeably absent from the pre-World War II repertory of teacher weapons were the now commonly used methods of collective bargaining: the seeking of exclusive recognition, formalized negotiations procedures and written collective agreements, for example.

Normally, methods used by the pre-World War II teachers' unions were of three principal types: 1) direct appeals to the superintendent or the board of education, 2) affiliation with organized labor as a source of political strength, and 3) the use of propaganda to sway public opinion in a favorable manner.

¹⁸"Amendment Bars Upholders of 'Isms' From Membership," The American Teacher, Vol. XXVI, No. 1 (October 1941), p. 3.

While there is contradictory evidence as to when and where the first bona fide collective bargaining agreement occurred--the Proviso Council of the West Suburban Teachers Union near Chicago in 1938, or other branches of the WSTU at Maywood, Illinois, in 1940 and Cicero in 1944 or even Norwalk, Connecticut, in 1946--it was not until 1935 that the AFT first officially advocated that teachers make use of collective bargaining to achieve economic gains.¹⁹ The Cicero contract was far ahead of its time in terms of comprehensiveness, as the agreement included exclusive recognition for the union and negotiated salary schedule. As evidenced by the Cicero agreement, beginning in the 1940's AFT appeals to locals to seek collective bargaining rights became more numerous and persistent. The 1944 annual convention, for example, passed a resolution to set up a special committee on collective bargaining chaired by a member of the West Suburban Teachers Union.

The first paragraph of the convention resolution declared "The AFT assumes leadership in informing, counseling with, and actively aiding the locals in gaining recognition in negotiating and securing written agreements."²⁰ The Executive Council directed the AFT committee on collective bargaining to provide a means of communicating to other

¹⁹ Michael Moskow, Teachers and Unions (Philadelphia: Wharton School of Finance and Commerce, 1966), pp. 106-107.

²⁰ "Summary of Executive Council Action at December Meeting in Chicago," The American Teacher, Vol. XXIX, No. 5 (February 1945), p. 6.

locals the experience various locals had had in negotiating definite agreement and contracts. The council provided the initiative by passing a resolution directing the material be published in a handbook of union techniques and cases.

It should be noted that the evidence contradicts the claims made by some researchers that the AFT was not pursuing a collective bargaining policy until after the New York teachers' strike in 1961. Moskow, for example, states "There is strong evidence...to indicate that it was not until the UFT victory...that the AFT actively began to encourage its locals to strive for collective bargaining rights."²¹ On the contrary, it appears that it was the reluctance of the local unions and not the lack of encouragement by the AFT that resulted in the very small number of pre-New York City contracts.

The AFT was not the only organization emerging in this period with an interest in the economic status of teachers. In 1947 the Executive Committee of the NEA issued a policy statement that was termed "among the most important in the 90-year history of the NEA" and urged its teachers to employ "group action" to obtain professional salary scales and to be "bold and forthright" in their demands.²²

²¹Moskow, Teachers and Unions, p. 107.

²²"The Professional Way to Meet the Educational Crisis," NEA Journal, February 1947, pp. 77-80 as quoted in Robert James Thornton, "Collective Negotiations for Teachers: History and Economic Effects" (Unpublished Ph.D. dissertation, University of Illinois, 1970), p. 39.

In seeking adequate salaries, the NEA urged each local to adopt the following program:

1. The election of a teachers salary committee by the membership of the local education association with the authority to represent it and act for it;
2. The study by the committee of the local salary schedule and financial conditions within the school district;
3. The submission of a plan of action to the local association for approval;
4. The confirmation that the understanding reached by the teachers group with the board of education be approved by the board and then continued in its entirety in the minutes of the board;
5. The exertion of influence on the part of the teacher organization during salary discussions to prevent unprofessional acceptance of appointments replacing teachers involved.²³

Willard Givens, the executive secretary of the NEA at the time, labelled the program as one of "democratic persuasion" and not collective bargaining. A poll taken later in the year by The Nation's Schools magazine, however, reported that only a slight majority of the teachers surveyed seemed to think the NEA program to be different from collective bargaining.²⁴

Although the resolution was the official NEA policy regarding joint decision-making until 1961, the existence of guidelines or directives to assist local affiliates in the

²³Ibid., p. 40.

²⁴"Group Action on Salaries," The Nation's Schools, February 1947), p. 5 as quoted in Robert James Thornton, "Collective Negotiations for Teachers," p. 40.

implementation of the program is not to be found. NEA records indicate that its first and only comprehensive contract agreement before 1961 was in Norwalk, Connecticut, in 1946, following a strike by the teachers of the city. The ensuing settlement provided for the recognition of the Norwalk Teachers Association as the official bargaining agent, increased the salaries of the professional staff, and established a committee to study further the question of teacher salaries.²⁵ Its validity was upheld in 1951 by the Connecticut Supreme Court of Errors. This judicial review was the first regarding collective bargaining agreements between school boards and teachers. The court declared:

In the absence of prohibitory statute or regulation, no good reason appears why public employees should not organize as a labor union, [therefore], the plaintiff (Norwalk Teachers Association) may organize and bargain collectively for the pay and working conditions which may be the power of the board of education to grant.²⁶

The merger of the AFL with the CIO in 1955 provided new impetus to organizing and collective bargaining for teachers. At the merger convention in December, Walter Reuther, the president of the CIO, pledged financial support from the former CIO unions for an organizing campaign.

²⁵Bernard Yabroff and Lily May David, "Collective Bargaining and Work Stoppages Involving Teachers," Monthly Labor Review, LXXVI (May 1953), pp. 475-479 as quoted in Thornton, "Collective Negotiations for Teachers," p. 41.

²⁶Norwalk Teachers Association vs. Board of Education of the City of Norwalk, Connecticut, as quoted in Goulding, "The History of Unionism in American Higher Education," p. 124.

The AFT Executive Council supported Reuther's leadership when it stated: "With the merger of the AFL-CIO and the emphasis placed by its first convention on the significance of organizing teachers, the AFT is about to assume a more vital role in the free trade union movement in our country."²⁷ One of the recommendations which illustrated the union's revitalized spirit declared:

Most of the teachers' locals do not now bargain collectively in the traditional trade union sense. The purpose of establishing free trade unions is to recognize both the independence and mutual responsibilities of labor and management. Such a joint responsibility can be expressed only through free negotiations consummated in signed agreements.²⁸

The council also recommended that the AFT start working for laws that would specifically give teachers the right to bargain collectively.

Reuther and George Meany, president of the AFL-CIO, lost no time, and by February 1956 were scheduled to talk to the New York teachers Local 2 on collective bargaining.²⁹ As a result of this meeting, there emerged the first two goals of the AFT for 1956: 1) achieving salaries comparable to other professions, and 2) adopting the process of collective bargaining. The council reported, "It's time as a full-fledged teachers' union that we act in such a responsible manner."³⁰

²⁷Proceedings of the Executive Council Meeting, (Chicago: AFT, 1955), p. 42 as quoted in Lester, "The American Federation of Teachers in Higher Education," p. 172.

²⁸Ibid. ²⁹Ibid, p. 173. ³⁰Ibid.

Thus the latter part of the fifties saw the AFT spurred to a new emphasis on organizing and moving toward the use of processes which mark the trade union movement.

Growth of Faculty Unionism Since 1960

The first collective bargaining agreement in public school education may have occurred in the 1930's in Illinois or 1946 in Connecticut (as noted earlier in this chapter), but it was not until the 1960's that faculties in higher education chose collective bargaining agents to represent their interests. Some researchers credit the Milwaukee Technical Institute, organized by the AFT in 1963, as the first two-year post-secondary school to be unionized. Other researchers credit Henry Ford Community College (Dearborn, Michigan) as being the first "college or university" to negotiate an agreement, in 1965, followed by Jackson Community College (Jackson, Michigan) in the same year.

In 1967, the first four-year college was organized--the United States Merchant Marine Academy. However, the November 1960 New York teachers' strike was perhaps the catalyst which eventually led to the rapid rate of faculty unionism in American Higher Education.

During the spring of 1960, the High School Teachers Association (HSTA) and the Teachers Guild merged into the United Federation of Teachers (UFT) and remained affiliated with the AFL-CIO. On May 16, the New York Board was threatened by a UFT strike if the board did not have an election to determine a representative for collective bargaining

between teachers and the board. The prospect of a strike apparently alarmed the school officials, who reached an agreement for a collective bargaining election. The board also agreed to several other federation demands, including a voluntary dues check-off, priority to equalization of salary steps and a promotional differential. The UFT agreed to cancel its strike action.³¹

The board had not acted on the agreements by late summer, thereby provoking 4,600 teachers to strike on November 7. The strike was halted on November 8 when New York Mayor Robert Wagner appointed three labor leaders to a fact-finding committee to evaluate and report on the various concerns precipitating the strike. The committee issued a report in January 1961 recommending collective bargaining for the teachers. The board did not accept the conclusion of the committee and formed a five-man commission of its own headed by Dr. George W. Taylor, a noted collective bargaining expert. By May the commission submitted its report to the board, recommending among other things that a referendum be conducted in June to determine if the teachers wanted collective bargaining. The board ordered the referendum, and the teachers voted almost three to one for negotiations.

Two major teacher associations (UFT and NEA) girded themselves for the December election. The UFT won the

³¹Thomas R. Brooks, Towards Dignity: A Brief History of the United Federation of Teachers (New York: American Federation of Teachers, 1967), p. 71.

election and immediately began to negotiate with the board for a collective bargaining agreement. An impasse resulted when the UFT's demand for salary increases nearly doubled those offered by the board.

Another strike occurred on April 11, 1962, with over 20,000 teachers participating in the walk-out. A restraining order was signed by state Supreme Court Justice W. C. Hecht, ending the three-day-old strike. It was not until July of 1962 that an agreement was reached providing New York City with its first collective bargaining contract for teachers. The terms of the agreement--by far the most comprehensive pact negotiated to that time--included a revised salary schedule, recognition for the union, the right to check-off, and a grievance procedure.

While Stinnett described the winning of the collective bargaining election by the UFT in December 1961 as "a life-saver for the national teachers union,"³² the significance of the election was also noted by Lieberman and Moskow: "The tremendous publicity accorded the New York City election was its most important single victory since the AFT was founded in 1916."³³

³²T. M. Stinnett, Turmoil in Teaching: A History of the Organizational Struggle for America's Teachers (New York: The Macmillan Co., 1968), p. 56.

³³Myron Lieberman and Michael H. Moskow, Collective Negotiations for Teachers (Chicago: Rand McNally and Company, 1966), p. 42.

More specifically, the impact that the strike, election, and subsequent agreement had on the future of collective bargaining in education may best be illustrated by the reactions of the AFT and NEA membership.

At the 46th Annual Convention of the AFT in 1962, a resolution was passed outlining in more specific terms than ever before the official union policy regarding collective bargaining. Not unlike the 1944 directives of the AFT Executive Council, the resolution called for "all locals not now enjoying the benefits of a bona fide collective bargaining contract (to) initiate appropriate steps leading toward the goal as soon as possible" and requested that "every local study the various methods of obtaining a collective bargaining contract and utilize those methods which the local situation dictates."³⁴

Furthermore, at the 47th Annual Convention in 1963, the federation dropped the no-strike policy that it had adhered to since its inception in 1916 and reaffirmed at its annual convention in 1947.

In 1964, the AFT--for the first time--officially endorsed the seeking of exclusive recognition on the part of its affiliated locals. This virtually completed the transition by which the AFT commenced formally to espouse

³⁴American Federation of Teachers, Convention Proceedings (abridged): AFT Forty-Sixth Annual Convention (Chicago: American Federation of Teachers, 1962), pp. 191-192 as quoted in Thornton, "Collective Negotiations for Teachers," pp. 46-47.

collective bargaining with all the techniques and methods used by unions in the private sector.

The New York City strike and collective bargaining pact also served as a catalyst for change in the NEA's established position on what it called "joint decision-making" set forth in 1947.

While in the summer of 1961 the UFT was showing significant strength in its quest to capture the election in December for the right to represent the New York City teachers, the NEA at its annual convention, adopted the "Teacher-Board of Education Relations" resolution which reads in part:

The National Education Association believes...that professional education associations should be accorded the right, through democratically selected channels, to participate in the determination of policies of common concern including salary and other conditions for professional service.

The seeking of consensus and mutual agreement on a professional basis should preclude the arbitrary exercise of unilateral authority by boards of education and the use of the strike by teachers as a means for enforcing economic demands.

When common consent cannot be reached, the Association recommends that a board of review consisting of members of professional and law groups affiliated with education should be used as a means of resolving extreme differences.³⁵

It is interesting to note that the resolution did not contain the term "negotiations." The association considered the term "unprofessional," hinting of "labor

³⁵National Education Association, Addresses and Proceedings, 1961 (Washington, D. C.: National Education Association, 1961), pp. 216-217 as quoted in Thornton, "Collective Negotiations for Teachers," pp. 50-51.

relations" (in the industrial sense), and not in the interest of good teacher-board of education relations.³⁶

However, it appears the NEA was jolted by the success of the UFT in the New York City matter, since it adopted its famous resolution No. 18 during the 1962 annual convention. The resolution, far more aggressive than the one adopted in 1961, reads in part:

The Association believes that procedures should be established which provide an orderly method of professional education associations and boards of education to reach mutually satisfactory agreements. These procedures should include provisions for appeal through designated educational channels when agreement cannot be reached....Both (a board of education and a teacher) are public servants....Teachers and boards of education can perform their indispensable functions only if they act in terms of their identity of purpose in carrying out this commitment. Industrial disputes conciliation machinery, which assumes a conflict of interest and a diversity of purpose between persons and groups, is not appropriate to professional negotiation in public education.

The National Education Association calls upon its members and upon boards of education to seek state legislation and local board action which clearly and firmly establishes these rights for the teaching profession.³⁷

The 1962 convention also adopted a resolution concerning "professional sanctions." Moskow asserts that this was the first instance of the association officially adopting a pressure tactic.

³⁶Ibid., p. 51.

³⁷National Education Association, Addresses and Proceedings, 1962 (Washington, D. C.: National Education Association, 1962), p. 178 as quoted in Thornton, "Collective Negotiations for Teachers," p. 51.

The National Education Association believes that, as a means of preventing unethical arbitrary policies or practices that have a deleterious effect on the welfare of the schools, professional sanctions should be invoked. These sanctions would provide for appropriate disciplinary action by the organized profession.

The National Education Association calls upon its affiliated state associations to cooperate in developing guidelines which would define, organize, and definitely specify procedural steps for invoking sanctions by the teaching profession.³⁸

The NEA intended the use of sanctions to be used as alternative to the strike, alleging that it bespoke of "professionalism." The sanctions called for differences of opinion to be studied, discussed, and publicized in a manner not expected to disrupt the education program until there remained no doubt that the school system was "incorrigibly unprofessional." If such occurred, it was recommended that NEA members not apply for open positions in a school system while encouragement was to be given to teachers already employed in the system to seek jobs elsewhere.³⁹

In 1963, the NEA issued its Guidelines for Professional Negotiations, which was to serve as a handbook of suggested methods for implementing professional negotiations in local districts. The Guide was revised in 1965, with the NEA endorsing the idea of its locals seeking exclusive recognition (the AFT had endorsed the idea one year earlier).

³⁸Moskow, Teachers and Unions, p. 103.

³⁹Wesley Wildman, "Collective Action by Public School Teachers," Industrial and Labor Relations Review, XVIII (October 1964), p. 13 as quoted in Thornton, "Collective Negotiations for Teachers," p. 52.

In addition, the revised Guide listed a fourth "type" of negotiation agreement--three earlier ones had proved not too successful--classified as one containing comprehensive items such as salaries, teaching loads and a host of other "negotiable items."

There was one last significant policy still to be changed. In 1962, the annual convention officially reaffirmed the NEA's long-standing ban on strikes in its Resolution No. 18, which reads in part:

The seeking of consensus and mutual agreement on a professional basis should preclude the arbitrary exercise of unilateral authority by boards of education and the use of the strike by teachers.⁴⁰

However, in 1965 the last eight words, "and the use of the strike by teachers," were deleted. At the 1967 convention, the Board of Directors declared that "the NEA will in the future give full support to striking local affiliates."⁴¹ Finally, the Representative Assembly gave its first official support to striking affiliates in a 1968 resolution which read:

It (the NEA) recognizes that under conditions of severe stress, causing deterioration of the educational program, and when good faith attempts at resolution have been rejected, strikes have occurred and may occur in the future. In such instances, the Association will

⁴⁰National Education Association, Addresses and Proceedings, 1962, p. 178 as quoted in Thornton, "Collective Negotiations for Teachers," p. 55.

⁴¹Edward B. Shils and C. Taylor Whittier, Teachers, Administrators, and Collective Bargaining (New York: Thomas Y. Crowell Company, 1968), p. 25.

offer all of the services at its command to the affiliate concerned to help resolve the impasse.⁴²

The realm of higher education did not escape the tumult which marked elementary and secondary education in the 1960's. Strikes and collective negotiations in this area of education were not prominent until the St. John's strike of January 3, 1966, which acquired the same national publicity that the New York City strike had attracted.

Furthermore, while there may have been earlier strikes in higher education--such as at the Detroit Institute of Technology in 1963 over dismissal of faculty members--no strike provided the catalytic mandate for change in the AAUP position on collective bargaining as the St. John's strike. The impact of the strike, the first by "university" professors in the nation's history, was felt by the AAUP just as the New York City strike changed the policies of the AFT and NEA.

The strife at St. John's first became public in March 1965. However, controversy between the administration and faculty pre-dated this by some two years. In 1963 the university administration refused to recognize an AAUP chapter. In 1964, the United Federation of College Teachers (UFCT) was organized at St. John's. Although never officially recognized by the university administration, its

⁴²"NEA Convention, 1968 - Still More Military," Educators' Negotiating Service (September 3, 1968), p. 3.

formation produced an immediate university recognition of the AAUP chapter.

Faculty members had complained for some time about the lack of a voice in the academic senate, restriction of academic freedom, tenure not automatically granted on promotion to assistant professor and salaries. The situation became worse until, on March 6, 1965, a demonstration over the refusal of the university to grant an immediate across-the-board salary increase was organized and held by the AAUP chapter. The demonstration consisted of about 200 teachers walking out of a faculty meeting precipitated by a statement by the AAUP president citing an unofficial report that the university operated with a \$2 million surplus the previous year.

In April a Faculty Planning Council was formed and submitted recommendations regarding recruitment, salary schedule, tenure, academic freedom, teaching loads and promotion. A new president and Board of Trustees were appointed in July. They ignored the recommendations while proposing a study regarding administrative reorganization.

By the fall semester, the AAUP and UFCT protested the slowness of the board to act on the council's recommendations. On December 15, the university issued notices to thirty-one faculty members that their contracts would not be renewed for the following academic year and twenty-one were not allowed to return to classes.

The reaction to the dismissals was immediate. The UFCT called a strike for January 3, 1966. The AAUP protested sending a telegram from its General Secretary to St. John's President Joseph T. Cahill declaring the dismissals violated the 1940 Statement of Principle on Academic Freedom and Tenure.⁴³

The UFCT called for the suspension of "aid and privilege" to St. John's from the New York State Board of Regents and asked the Middle States Association of Secondary Schools and Colleges to demand reinstatement of the faculty members and to suspend the university's accreditation. On January 6, 1966, the AAUP announced a thorough investigation of the dismissal of twenty-one teachers (those relieved from duty immediately upon issuance of the notice in December) would be made. At its annual meeting in April, the AAUP censured St. John's for dismissing the professors without due process.⁴⁴ On June 8 the AAUP wrote the Middle States Association protesting the continued accreditation of St. John's. On November 18, 1966, the Middle States Association ordered that St. John's University show cause by December 31, 1967, why its accreditation should not be revoked. The report indicated it would look for evidence of

⁴³"From the General Secretary," AAUP Bulletin, Vol. 52, No. 1 (March 1966), pp. 5-6.

⁴⁴"Censured Administrators," AAUP Bulletin, (Summer 1966), p. 100.

"increased internal strength" through a "sincere attempt to alleviate the consequences" of the dismissals.⁴⁵

The first major effort by the university to follow this recommendation of the Middle States Association was a proposal by St. John's on March 7, 1967, to submit the matter of dismissals of 29 professors to impartial arbitration. The university indicated it would accept as final and binding the decision by the American Arbitration Association. The university, refusing to deal with the union, sent letters directly to each individual. Eighteen of the dismissed professors retained lawyers from the UFCT to represent them during negotiations. In June 1967 thirteen of the teachers, all UFCT members, accepted the arbitration offer; five other union members continued their lawsuits; some, teaching elsewhere, dropped the matter.

What did the strike accomplish? Although the dismissed professors had not been reinstated and the union had not been recognized, the strike was the catalyst that provoked the AAUP to reappraise its position against strikes and union activity.

It is important to examine the gradual changes in policy that the AAUP took as it was confronted with the emergence of collective bargaining in higher education.

⁴⁵"Middle States Report on St. John's University," Action, (December 1966), p. 3 as quoted in Lester, "The American Federation of Teachers in Higher Education," p. 202.

The evolution of its position began late in 1964 when, initiated by a display of interest in bargaining by faculty members at the City University of New York, the association called a conference on the subject. The published conference report stressed a need to work toward greater faculty participation in institutional government as a preferred alternative to collective bargaining. It further reported that the faculty itself would be a more suitable agent than any external organization.⁴⁶

Shortly thereafter the council established a Special Committee on the Representation of Economic Interests to formulate policy in this area. The committee submitted its first formal report in March of 1966. The AAUP council adopted the report, which emphasized, 1) a statutory approach to the matter, and 2) a proposed statement on the role of AAUP local chapters as exclusive bargaining agents under extraordinary circumstances. The legislative recommendation reads:

The Association should oppose the extension of the principle of exclusive representation to faculty members in institutions of higher education and should therefore recommend legislation which would require public institutions to establish adequate internal structures of faculty participation in the government of the institution.⁴⁷

⁴⁶"Council Position on Collective Bargaining," AAUP Bulletin, Vol. 58, No. 1 (March 1972), p. 46.

⁴⁷"Representation of Economic Interests," AAUP Bulletin, Vol. 52, No. 2 (June 1966), p. 229.

In supporting its "legislative" language, the council also approved the committee's proposed statement of policy regarding exclusive bargaining agents, which reads in part:

The American Association of University Professors has long maintained that the basic functions of a college or university require that the faculty members have an effective voice in making and carrying out decisions affecting the educational and scholarly life of the institution.

The Association has further maintained that the goals of higher education cannot be achieved without adequate provision for such economic and professional interests of the faculty as salary scales, fringe benefits, teaching loads and other conditions of teaching and research.

The Association prefers that all faculty members participate in making decisions and protecting their economic interests through structures of self-government within the institution, with the faculty participating either directly or through faculty-elected councils or senates. As integral parts of the faculty, such councils or senates can more effectively and appropriately represent the faculty than any outside organization acting as exclusive representative. It is fundamental, however, that whatever means are developed for representation, the faculty must have a truly effective voice in decisions of the institution and that the economic interests of the faculty must be adequately protected and promoted.⁴⁸

In addition, the council voted to accept, as temporary policy, the remainder of the Special Committee's "Proposed Statement of Policy on the Role of Association Chapters as Exclusive Bargaining Representatives." The Statement, which was to provide interim guidance to the local chapters, reads:

⁴⁸Ibid.

If these conditions [of effective faculty voice and adequate protection and promotion of faculty economic interests] are not met, and a faculty feels compelled to seek representation through an outside organization, the Association believes itself, by virtue of its principles, programs, experience and broad membership to be best qualified to act as representative of the faculty in institutions of higher education.

Consistent with the long-established principles of the Association, chapters should be guided by the following policies relating to their acting as exclusive representative of faculty members in negotiating with their college or university administration:

1. Chapters of the Association should not seek to become the exclusive representative of the faculty without first obtaining the approval of the General Secretary. Normally approval will be granted only when the following conditions exist:

- a. The existing structure and practice of institutional government seriously impairs the ability of the faculty to fulfill the purposes of the Statement of Principles on Faculty Participation in College and University Government and it appears that there is little prospect of remedying this situation under existing procedures; and
- b. Legal provisions or institutional policies of the institution permit the selection of an organization to act as exclusive representative of the faculty for purposes of negotiating with the administration; and
- c. It is likely that unless the chapter seeks to be designated as exclusive representative another organization will be so designated.

Where extraordinary circumstances exist, the General Secretary may grant a chapter authority to seek recognition as exclusive representative of the faculty even though these conditions have not been met.

2. When chapters of the Association obtain the status of exclusive representative of the faculty, they will in their negotiations with the administration or governing board pursue the following objectives:

- a. To protect and promote the economic interests of the faculty as a whole in accordance with the established principles of the Association.

- b. To establish within the institution democratic structures which provide full participation by all faculty members in accordance with the Statement of Principles on Faculty Participation in College and University Government.
- c. To obtain explicit guarantees of academic freedom and tenure in accordance with the 1940 Statement of Principles on Academic Freedom and Tenure, the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, and other policy statements of the Association.
- d. To create an orderly and clearly defined procedure within the faculty governmental structure for prompt consideration of problems and grievances of faculty members, to which procedure any individual or group shall have full access.

3. A chapter in acting as exclusive representative of the faculty shall be governed by the following policies:

- a. No strike or work stoppage will be called or supported by the chapter or its officers.
- b. No person shall be required to become a member of or make any financial contribution to the Association as a condition of his enjoying full rights as a member of the faculty.⁴⁹

Thus, the "proposed statement" did not advocate the principle of exclusive representation in colleges and universities, but emphasized a strong preference for faculty representation through faculty-elected councils or senates rather than through outside organizations.

When considering the pragmatic problem of what shall be done when the "preferred" action is not possible, the council carefully and clearly limited the conditions under which chapters could seek the "exclusive representative" status. One of the most explicit conditions was the requirement that appropriate structures of faculty self-government

⁴⁹Ibid., p. 230.

not be available. The "proposed statement" was, therefore, carefully written to reinforce and implement the association's Statement of Principles on Faculty Participation in College and University Government while officially addressing and, to a limited degree, recognizing exclusive faculty representation as a viable force in faculty self-governance.

To further clarify its position on this matter, the AAUP Council approved the Statement on Government of Colleges and Universities in October 1966. In December, the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges jointly endorsed the statement, which advocated a "shared authority" concept in the operations of colleges and universities. The statement was intended to:

...foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions.

It is not intended that the Statement serve as a blueprint for government on a specific campus or as a manual for the regulation of controversy among the components of an academic institution, although it is to be hoped that the principles asserted will lead to the correction of existing weaknesses and assist in the establishment of sound structure and procedures.⁵⁰

Though the statement was meant as a recommendation that AAUP chapters support an active and participatory faculty senate to assist in academic governance relating to

⁵⁰"Statement on Government of Colleges and Universities," AAUP Bulletin, Vol. 52, No. 4 (December 1966), p. 375.

salary increases, it was a "lever" which drew the AAUP into competition for representation. At the annual meeting in 1968, the association passed a motion in which either the association or its local chapter was to offer itself as the faculty's representative to "protect and promote the economic interests of the faculty as a whole in accordance with the principles of the association."⁵¹

At the same meeting, the Special Joint Committee on Representation, Bargaining, and Sanctions interpreted strike action to be inappropriate under the principle of shared authority, but recognized the existence of situations in which it could be unavoidable. The report, drafted after the strike at St. John's and other universities, stated in part:

We believe that these principles of shared authority and responsibility render the strike inappropriate as a mechanism for the resolution of most conflicts within higher education.

But it does not follow from these considerations of self restraint that professors should be under any legal disability to withhold their services, except when such restrictions are imposed equally on other citizens. Furthermore, situations may arise affecting a college or university which so flagrantly violate academic freedom (of students as well as of faculty) or the principles of academic government, and which are so resistant to rational methods of discussion, persuasion, and conciliation, that faculty members may feel impelled to express their condemnation by withholding their services, either individually or in concert with others. It would be assumed that faculty members will exercise their right to strike only if they believe that another component of the institution (or a controlling agency of

⁵¹"Policy of Representation of Economic Interests," AAUP Bulletin, Vol. 54, No. 2 (June 1968), pp. 152-154.

government, such as a legislature or governor) is inflexibly bent on a course which undermined an essential element of the educational process.⁵²

The AAUP drew support for its position from an American Association of Higher Education Task Force report which reads:

We conclude that there are no decisive reasons why the faculty should be denied the opportunity to strike, in terms of either society's essential needs or the long-run interest of the institution. Most faculty members will resist the tendency to strike because use of this weapon seems inconsistent with their view of themselves as members of a profession committed to reason. We share this hesitancy to endorse strikes, but we do not automatically reproach a faculty which feels compelled to take this step as a last resort when other methods have been exhausted. If the administration has denied the faculty the right to participate effectively in campus decision-making, then it must accept a major share of the responsibility when a strike ensues.⁵³

On October 30, 1971, the Council of the AAUP adopted the following position respecting collective bargaining:

The Association will pursue collective bargaining as a major additional way of realizing the Association's goals in higher education, and will allocate such resources and staff as are necessary for the vigorous selective development of this activity beyond present levels.⁵⁴

At the annual meeting of the AAUP in 1972, the Association adopted a more expansive and comprehensive

⁵²"Faculty Participation In Strikes," AAUP Bulletin, Vol. 54, No. 2 (June 1968), pp. 151-159.

⁵³American Association for Higher Education, Faculty Governance, Report of the American Association of Higher Education Task Force on Faculty Representation and Academic Negotiations, Campus Governance Program: "Faculty Participation in Academic Governance," (Washington, D. C.: AAHE, 1967), p. 52.

⁵⁴"Council Position on Collective Bargaining," AAUP Bulletin, Vol. 58, No. 1 (March 1972), p. 46.

statement which was recognized as an official announcement by the AAUP that it would pursue collective bargaining as a major additional means of achieving the goals of the association. The statement, however, was amended the following year, and is the present position of the AAUP. It reads in part:

Collective bargaining, in offering a rational and equitable means of distributing resources and of providing recourse for an aggrieved individual, can buttress and complement the sound principles and practices of higher education which the American Association of University Professors has long supported. Where appropriate, therefore, the Association will pursue collective bargaining as a major additional way of realizing its goals in higher education, and it will provide assistance on a selective basis to interested local chapters.

From its vantage point as the paramount national organization in formulating and implementing the principles that govern relationships of academic life, the Association has the unique potential, indeed the responsibility, to achieve through its chapters a mode of collective bargaining consistent with the best features of higher education.

The longstanding programs of the Association are means to achieve a number of basic ends at colleges and universities: the enhancement of academic freedom and tenure; of due process; of sound academic government.

Collective bargaining, properly used, is essentially another means to achieve these ends, and at the same time to strengthen the influence of the faculty in the distribution of an institution's economic resources. The implementation of Association-supported principles, reliant upon professional traditions and upon moral suasion, can be effectively supplemented by a collective bargaining agreement and given the force of law.

Policy for a Chapter Which Achieves Representative Status

A. When a chapter of the Association attains the status of representative of the faculty, it will seek to:

1. Protect and promote the economic and professional interests of the faculty as a whole in accordance with the established principles of the Association.
2. Establish within the institution democratic structures which provide full participation by all faculty members in accordance with the Statement on Government of Colleges and Universities.
3. Obtain explicit guarantees of academic freedom and tenure in accordance with the 1940 Statement of Principles on Academic Freedom and Tenure, the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, the 1971 Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments, and other policy statements of the Association.
4. Create an orderly and clearly defined procedure within the faculty governmental structure for prompt consideration of problems and grievances of faculty members, to which procedure any affected individual or group shall have full access.

B. In any agency shop or compulsory dues check-off arrangement, a chapter or other Association agency should incorporate provisions designed to accommodate affirmatively asserted conscientious objection to such an arrangement with any representative.

C. It is the policy of the Association to call or support a faculty strike or other work stoppage only in extraordinary situations which so flagrantly violate academic freedom or the principles of academic government, or which are so resistant to rational methods of discussion, persuasion, and conciliation, that faculty members may feel impelled to express their condemnation by withholding their services, either individually or in concert with others. It should be assumed that faculty members will exercise their right to strike only if they believe that another component of the institution (or a controlling agency of government, such as a legislature or governor) is inflexibly bent on a course which undermines an essential element of the educational process.⁵⁵

With the AAUP adopting the statement, the three primary educational associations--AAUP, AFT, and the NEA--had,

⁵⁵"Statement on Collective Bargaining," AAUP Bulletin, Vol. 59, No. 2 (June 1973), p. 167.

a) accepted the procedures of collective bargaining as a means of improving salary and working conditions of educators, and b) recognized the strike either as a right (AFT) or as the last resort (NEA and AAUP).

Membership of Associations

The growth of faculty unionism has affected the membership of the three associations. The AAUP estimates its 1,365 chapters are comprised of 80,000 members at 2,200 institutions as of June 1975. These figures reflect a 17 percent drop in membership, from approximately 90,000 in 1971 to approximately 75,000 in 1974. This drop resulted in part from members expressing their dissatisfaction with the association's functioning as a labor organizer.

As of October 1975, the AAUP reports 35 chapters functioning as bargaining agents--32 with four-year colleges. These 35 chapters comprise about 9,000 (includes AAUP/NEA members in Hawaii) dues-paying members in the Association (all members are not necessarily part of the bargaining unit).

The AFT estimates its total affiliated locals at approximately 2,000, comprising a membership of 453,000 as of October 1975. More than 200,000 members are in New York State, of which 80,000 are in New York City's Local 2. AFT reports that it has 273 college locals, 92 of which are bargaining agents--29 at four-year institutions, 63 at two-year colleges. These chapters contain approximately 40,000

(includes 15,196 NEA/AFT members in New York State) dues-paying members of its total 400,000 members under an AFT union contract. The remaining 360,000 are in the K-12 school systems.

The NEA estimates its total of 10,371 chapters comprise a membership of 1,684,909 as of May 31, 1975. As of October 1975, it reports 354 college locals, 134 of which are bargaining agents--38 at four-year institutions, 96 at two-year colleges. These chapters contain approximately 54,000 (includes 15,196 NEA/AFT members in New York State) members of its approximate total of 1,036,500 members under a NEA union contract. The remaining 982,500 are in the K-12 school systems.

Since 1972, when 97 institutions of higher education bargained contracts (see Appendix I), there has been a "leveling off" of the movement to bargain collectively. Perhaps the drop in agents since 1973 has been due, in part, to the interorganization warfare between the NEA and AFT. It is worth noting that the AAUP won more elections (13) in 1973 than either of the other two organizations. The previous four years the AAUP had won only 14 elections. Another factor to consider is that by the fall of 1972, the association had recognized collective bargaining as a viable alternative to the generally conceived practice of academic governance.

This pattern is reflected in a conclusion drawn in the study by Professors Seymour Martin Lipset and Everett Carll Ladd in 1972.

Professors at upper-tier schools [academically elite], and high achieving academics in general, are significantly cross-pressured with regard to faculty unionism: their liberalism would incline them to support it; but their objective interests and the general structure of their academic values bring them into opposition....*the latter considerations typically prove decisive.* The relative lack of support for unionization among professors of high attainment exists not because of, but in spite of, their broad ideological commitments, and is testimony to the strength of competing interests and values.⁵⁶

Support for this conclusion can be drawn from statistics cited in Appendix II. Of the 211 colleges and universities (two-year and four-year) that have formally bargained with their faculty, 69 percent are two-year institutions, even though this sector comprises only a third of all colleges and universities in the country. An analysis of the 277 colleges and universities (two-year and four-year) with bargaining agents provides similar results--67 percent are two-year institutions. Over 87 percent of the contracts have been bargained at public institutions; however, of these 181 institutions, 143 are two-year colleges.

It is interesting to note that as of September 1, 1975, 41 colleges or universities have rejected a collective bargaining agent. More than one union was frequently on the ballot, with the AAUP losing 20 elections, AFT 18 elections,

⁵⁶Everett Carll Ladd, Jr. and Seymour Martin Lipset, Professors, Unions, and American Higher Education, p. 32.

and the NEA 12 elections. Two institutions defeated an independent agent.⁵⁷ Of the 41 institutions, 28 are private with only one of these a two-year college.

It is worth noting that faculty members at the 277 institutions with faculty members covered by bargaining agents comprise approximately 93,900 professors or nearly 15 percent of the total in two-year and four-year colleges. Of the 97 four-year colleges, these faculty members comprise approximately 13 percent of the total professors in four-year colleges.

State Legislation

Another important aspect of the growth of faculty unionism must not be overlooked. There has been a proliferation of state laws mandating or permitting negotiations of some kind in the education field. Historically, public employees have been specifically excluded from the provisions of the National Labor Relations Act and its amendments, the sole exception being the Taft-Hartley Act of 1947, which banned strikes by employees of the federal government. However, there have been three principal initiatives that have been instrumental in statutory development in the public employee sector. First, as illustrated in this chapter, is the efforts by the AFT and NEA in lobbying

⁵⁷"Collective Bargaining on Campus: Where College Faculties Have Chosen or Rejected Agents," The Chronicle of Higher Education, Vol. X, No. 15 (June 9, 1975), p. 5.

for this type of legislation and challenging our judicial system to respond to legal challenges.

The second initiative was the signing of Executive Order 10988 by President John F. Kennedy in January 1962. Although not directly affecting organized public employee groups on the state and local levels, the order helped to subjugate traditional administration/board of control reluctance to negotiate by weakening the validity of the so-called "delegation of powers argument."⁵⁸ The order permitted federal employees to organize and bargain collectively. Its support for unions and collective bargaining in the public sector was as unequivocal as the Wagner Act has been for the private sector. While neither gave automatic assurances of the triumph of large-scale unionism, history seems to be demonstrating both to have been highly influential.

Finally, the rapid growth of the American Federation of State, County, and Municipal Employees (AFSCME) has created an awareness of public employee welfare in government circles. Its birth was actually a result of the ferment of the 1930's that spawned the industrial labor unions. Founded in 1936, AFSCME was chartered by the AFL as an international union with jurisdiction over all state and

⁵⁸"*Delegata Potestas Non Potest Delegari.*" The American Bar Association recognizes this to be a principle of law which holds that powers delegated to a public agency cannot be delegated or contracted away. Also see Moskow, Teachers and Unions, p. 41.

local government workers. Modest and sporadic growth marked its existence until the mid-1960's when it reached a membership in excess of 200,000 under the leadership of its president, Jerry Wurf. At a special meeting in February 1966, the AFSCME Executive Board adopted a "bill of rights" for public employees which said in part:

In recent years, there has been a substantial growth in the number of public employees who have joined unions. This trend seems certain to continue at an accelerated pace as public employment--already the largest single work force in the United States--expands still further and as the labor movement intensifies its efforts to organize public employees.

As this growth continues, the necessity for logical, orderly methods of settling labor-management disputes in the public sector becomes more and more evident.

We believe that good labor-management relations in government, as in the private sector of the economy, must be concerned with fundamental problems and fundamental relations. The certification and collective bargaining processes used in private industry have worked well, where tried, in the public area. They can be improved and expanded in the public employment field by the continued application of sound principles....We look upon collective bargaining as the most democratic--and the most realistic--method of settling disputes over the substance of agreements between organized workers and their employers.⁵⁹

As of July 1975, its membership is in excess of 700,000.

Legislation (or attorney general opinions) governing organization and collective bargaining in public employment ranges from some thirty-six states with comprehensive

⁵⁹Policy Statement on Public Employee Unions: Rights and Responsibilities as adopted by International Executive Board AFSCME, AFL-CIO, July 26, 1966.

laws (laws or laws for particular groups of employees, such as police and firemen, transit workers, and teachers) to some states with no labor relations statutes dealing specifically with public employees.⁶⁰

In 1959, Wisconsin became the first state to pass a comprehensive bill permitting public employees to bargain collectively. However, it did not--and does not as of September 1975--permit collective bargaining by faculty in higher education. As of March 1975 there are 23 states that have passed laws allowing some form of negotiating rights to organized faculty groups in higher education. In Appendix III a comparison of essential characteristics of the 23 statutes has been listed. Twenty of these laws were either passed or amended within the last three years.⁶¹

Only five states--Hawaii, Montana, Oregon, Vermont, and Washington--have made special efforts to identify college faculty explicitly as being covered and requiring some special concern. The remaining 18 statutes include higher education faculty members implicitly through "public employee" language or vocational/technical descriptions.

⁶⁰Information on all 50 states and District of Columbia is available from "Summary of State Policy Regulations for Public Sector Labor Relations" at the U.S. Department of Labor, Labor Management Services Administration, Division of Public Employee Labor Relations, 1975.

⁶¹The information for this table was drawn from "Analysis of Legislation in 23 States Enabling Collective Bargaining in Higher Education," Academic Collective Bargaining Information Service, Special Report #17 (March 1975).

The states unanimously provide for exclusive representation by the elected bargaining agent. Another matter of near unanimous consent is the declaration of which agency administers the law. In only one state (Rhode Island) is a specific agency to administer the law not identified; one state (Delaware) administers its law through a state governmental department, and two states (Alaska and Connecticut) identify a labor relations "agency" or "board." The remaining 19 states explicitly declare a specific entity (board, agency, commission, or court) to administer the law.

Six of the 23 statutes name a special employer for higher education: Alaska, Florida, Hawaii, Massachusetts, and Montana identify the board of regents or trustees, while Rhode Island recognizes a chief executive officer. These states have perceived a difference between employment relations in the university and those in other public agencies.

In the area of "scope of bargaining," eleven states go beyond concerns over wages, hours and terms and conditions of employment by specifying inclusions or exclusions. The range varies from Delaware's brief but implicitly comprehensive "employment relations" scope to Washington's "no provision." It is interesting to note that only eleven statutes narrow the scope of bargaining by defining "management rights."

While most states (19) require the employer to bargain in "good faith," two states (Kansas and Rhode Island)

require the employer to meet and confer only, while two other states (Nebraska and Washington) make no specific provision for bargaining. On the strike issue, only four states (Alaska, Hawaii, Oregon and Pennsylvania) permit such action, and only after fulfillment of impasse or grievance procedures. Montana permits strikes, but only through court interpretation. In the remaining 18 states, the right to strike is not permitted.

In another area of near unanimous consent, 21 of the 23 state laws provide special provisions for resolving impasses. While most states refer to mediation, arbitration, or fact-finding, Kansas provides for the state legislature to intervene if fact-finding does not resolve the impasse. While the consensus thus appears to indicate that outside assistance is beneficial, the wisdom of a legislative body resolving impasses in the collective bargaining process is dubious at best.

Twenty states either require or permit the negotiation of a grievance procedure. Such statutory provisions recognize the necessity for an agreed upon dispute-resolving process.

Finally, we notice that 16 states require legislative approval of negotiated agreements. Requirement ranges from approval of the entire contract agreement (Montana and Vermont) to approval principally of monetary provisions (Alaska, Florida, Hawaii, Iowa and New York).

Perhaps the best evidence as to why statutes providing for collective bargaining have been prolific during the past few years may best be illustrated by a recent poll conducted by the Education Commission of the States and the National Conference of State Legislatures: state lawmakers rated public-employee collective bargaining as the top issue before them.

The legislatures are also being spurred on by the threat that Congress will pre-empt their authority by passing federal public-employee legislation. Although Congress has moved slowly so far, the Thompson Bill--H.R.77--would bring public employees under the authority of the National Labor Relations Board. Representative Frank Thompson chairs the House Subcommittee on Labor and Management Relations. Such legislation received a stern rejoinder from the National Governor's Conference. Meeting in February 1975, the conference passed a resolution declaring that "matters relating to the employees of state and local governments are within the sole jurisdiction of these units and are not properly the subject of federal legislation."⁶²

The governors can draw strong support for their position from the preponderance of state legislation in this area. Aside from the 23 states listed in Appendix III, an additional 15 legislatures were reported considering

⁶²Resolution By: Committee on Executive Affairs, National Governor's Conference, adopted February 20, 1975.

collective bargaining legislation for all public employees as of March 1975.⁶³

The actual effect statutory provisions have on the growth of faculty unionism may be examined by the distribution of bargaining agents in public institutions of higher education. As of June 9, 1975, 352 of the 385 campuses with collective bargaining agents are located in the 23 states listed in Appendix III.⁶⁴

Prospects of Federal Legislation

However, the statutory action of the several state legislatures and the strong rebuke of proposed federal intervention by the National Governor's Conference has not deterred public employee unions from lobbying for a federal collective bargaining bill covering all public employees. For example, shortly after the sweeping Democratic election gains in the 1974 Congressional elections, presidents of 24 public employee unions met at the AFL-CIO's Washington headquarters and ratified a proposed constitution for the organization's new Public Employee Department (PED).⁶⁵

⁶³"Laws on Faculty Bargaining," The Chronicle of Higher Education, Vol. X, No. 6 (March 31, 1975), p. 1.

⁶⁴"Collective Bargaining on Campus: Where College Faculties Have Chosen or Rejected Agents," The Chronicle of Higher Education (June 9, 1975), p. 5.

⁶⁵"The Bureau of National Affairs, Inc.," Newsletter, Washington, D. C., (November 11, 1974), No. 580.

George Meany, AFL-CIO president, endorsed the formation of the department and pledged his organization's full support. Representing well over 2 million people, the department recently added its 29th affiliate, and has the opportunity to become a major force in the public employee field.

Along with PED, government employees are organized into the Coalition of American Public Employees (CAPE). Included in CAPE are the American Federation of State, County and Municipal Employees (AFSCME), the National Education Association (NEA), and several others. A principal purpose of CAPE and PED is to assist in congressional lobbying efforts.

At the present time, labor is strongly supporting an approach for federal regulation. Particular pressure is being supplied by the AFT and the AFL-CIO, both of whom favor amending the National Labor Relations Act to provide coverage of state and local government employees under the jurisdiction of the National Labor Relations Board (H.R. 77) as noted earlier.

Proponents and opponents of this concept of collective bargaining for public employees via federal legislation are lining up for hearings on H.R. 77 that the House Labor-Management Subcommittee plan to hold in late 1975. For example, W. J. Usery, Jr., a former union official and presently director of the Federal Mediation and Conciliation Service, describes the current system of state regulations

as a "crazy-quilt of laws that, when placed end-to-end, reach nowhere."⁶⁶ Mr. Usery recently advocated legislation to permit collective bargaining between the federal government and public sector unions. A strong protest was registered at the White House through a letter sent by some 35 members of the House of Representatives:

We object most strongly to the statement by a spokesman of your administration indicating his support of compulsory bargaining for federal employee unions. This puts the force of the federal government behind such special privileges and is highly discriminatory. Furthermore, it places the government stamp of approval upon abdication of governmental sovereignty, by turning over to private officials the responsibility of elected officials. This results in primary loyalty among public servants first to the union leaders and not to the public.⁶⁷

Such an example of strong advocacy against this type of federal legislation has not deterred Usery's enthusiasm:

The solution [to the 'crazy-quilt' state laws] rests in extending our national system of collective bargaining. Common sense suggests that in the not-too-distant future, Congress will be convinced that state and local labor-management relations will be vastly improved by applying one set of rules to what is increasingly becoming one common game.⁶⁸

John T. Dunlop, secretary of labor is less enthusiastic than Usery, but not as dogmatic as the 35 House members. Mr. Dunlop believes the "states are carrying out a very interesting set of experiments in their different

⁶⁶"Public Employees vs. The Cities," Business Week, July 21, 1975, p. 56.

⁶⁷Letter of May 20, 1975, to the President of the United States by some members of Congress.

⁶⁸"Public Employees vs. The Cities," pp. 56-57.

approaches to the problem...[and] would like to see the existing system reviewed before we move into a national system."⁶⁹

In any event, the prospects of H.R. 77 are highly uncertain. Witness the opinions of two leading experts:

We're confident that in the next year, we're going to get some sort of collective bargaining for public workers. It simply isn't reasonable to ignore 11.5 million people....(attributed to Jerry Wurf, President, AFSCME)⁷⁰

It now seems highly unlikely the Congress will give serious consideration to the legislation this year. (attributed to Sam Zagoria, Director, Labor-Management Relations, National League of Cities)⁷¹

While such organizations as the U.S. Chamber of Commerce and the National Association of Manufacturers vigorously oppose a federal bargaining law for government employees, principally because of the increased power it would give public employee unions, the primary reason for the failure of Congress to enact such legislation may be the lack of cohesion and solidarity among the unions.

The NEA and AFSCME do not want the proposed NLRA amendments (H.R. 77), but prefer legislation that would establish an entirely new federal mechanism to handle public employee disputes. Their "bill" was last proposed by Representative William Clay in the 93rd Congress. The bill

⁶⁹Ibid., p. 57.

⁷⁰John Matthews, "Public Employee Unions Pushed," Washington Star-News, January 16, 1975, pp. A-1, A-6.

⁷¹"Public Employees vs. The Cities," p. 57.

has not been introduced in the 94th Congress, apparently because the powerful AFL-CIO would not support it.

However, ironically public employee union leaders suspect that the AFL-CIO will not strongly and actively support a federal bargaining law (H.R. 77) either because, a) public employee unions have relatively little influence within the AFL-CIO, and b) private industry union members tend to act more as taxpayers than as fellow unionists in public employee disputes.⁷²

The following cogent statement by Emil Mazey, secretary-treasurer of the UAW, perhaps best summarizes the unions' quandary:

The public workers have an extremely difficult problem. A trade unionist will fight like hell to help raise wages at Ford--even though that may raise car prices--but he won't vote to increase property taxes to raise teacher salaries.⁷³

Furthermore, Mr. Dunlop has thrown up a caution flag that could resolve this problem without congressional legislation. He suggests that congressional action in this area should be deferred until the Supreme Court rules on a suit by the National League of Cities challenging the applicability of the Fair Labor Standards Act amendments of 1974. These amendments extended the coverage of the minimum wage law to some state and local employees. (Certain public safety personnel remained exempt until January 1, 1975.) The court is not expected to reach a decision until the term

⁷²Ibid., p. 56. ⁷³Ibid.

beginning in October 1975, and its decision could preclude any form of federal bargaining legislation.

NLRB and Private Colleges and Universities

While statutory provisions required under law for public employees cover many faculty members in higher education, they do not affect the status of professors in private colleges and universities who are not defined as public employees. As noted earlier, the Wagner Act (NLRA) established the right of employees in the private sector to bargain collectively and created the National Labor Relations Board (NLRB).

In a 1970 decision involving nonprofessional employees at Cornell University, the NLRB reversed a 1951 decision and declared that it had jurisdiction over private colleges. The board later announced that its jurisdiction embraced any college with annual revenues of more than \$1 million, which includes almost 80 percent of all private institutions of higher education.

The following year, in a case involving C. W. Post Center of Long Island University, the board extended its jurisdiction to include faculty members. In the spring of 1975 a federal appeals court upheld the NLRB's jurisdiction over private colleges. The ruling, which involved the Wentworth College of Technology and its two-year sister institution, Wentworth Institute, was the first court decision made on the NLRB's 1970 jurisdictional decision.

The court, however, left open the possibility that faculty members at some such colleges might be excluded from the board's purview in future cases. In the Wentworth case, the court ruled that faculty members were "employees" under the law, but it based its ruling on very narrow grounds declaring that the faculty only made recommendations and gave advice to the administration and trustees, who made the final decisions.

The courts can expect future cases requiring determination of what constitutes "employees" under the law and what constitutes "supervisors" and "managerial employees." While the law specifically excludes supervisors from employee bargaining, several NLRB and court decisions have also excluded the managerial employees. The latter employee is generally defined as one who formulates, determines and effectuates an employer's policies and decisions. The NLRB has rejected arguments that faculty members fall into either the supervisor or managerial employee category.

An interesting and somewhat overlooked official opinion was delivered by Samuel M. Kaynard, director of the NLRB's regional office in Brooklyn, New York, regarding a case between St. John's University and the AAUP. In the opinion, Kaynard noted that St. John's is not required by law to negotiate with its faculty union over certain issues of campus governance.⁷⁴ That view, if taken by the NLRB

⁷⁴"Faculty Unions and Governance," The Chronicle of Higher Education, Vol. X, No. 4 (March 17, 1975), p. 1.

itself, would limit the scope of collective bargaining at private colleges to purely economic issues such as wages, fringe benefits, and traditional working conditions, such as teaching loads.

The AAUP sought to include in the contract faculty participation in the selection of deans, faculty representation on the board of trustees, and a statement of criteria for the selection of administrators. In his opinion, Kaynard said the proposals "concern managerial rights and prerogatives and terms and conditions of employment."⁷⁵ He went on to say that the AAUP's proposals "concern the selection of management personnel who act as representatives for the purposes of collective bargaining or the adjustment of grievances."⁷⁶ The National Labor Relations Act says that employers have the right to choose such officials without union interference. Mr. Frederick E. Hueppe, president of the AAUP chapter at St. John's, said he was confident that in a hearing before the full NLRB, the AAUP could argue convincingly that issues of governance were mandatory subjects of negotiation.⁷⁷

A decision by the full NLRB will not come in this case, as Mr. Kaynard dismissed the complaint on the grounds that the faculty union had not tried to force the university to bargain over the disputed proposals. The NLRB's jurisdiction, having been upheld by a U.S. Court of Appeals

⁷⁵Ibid. ⁷⁶Ibid. ⁷⁷Ibid.

in the Wentworth case over private colleges was not affected by Kaynard's opinion. However, his cogent and incisive opinion may lead reflective administrators to challenge further the "scope of negotiations" at private institutions.

The Associations--Where Do They Go From Here?

What can higher education expect of the three associations in the future? The prospects of a merger of all three or even any two of the associations is doubtful. The NEA and AFT considered a merger in 1973, but the talks ended abruptly.

Helen Wise, then president of the NEA, stated, "NEA wants teacher unity. AFT wants AFL-CIO membership. The two are not compatible."⁷⁸ At a press conference after his election as NEA president-elect in July 1975, John Ryor indicated that Teachers could expect no change in this "NEA position" during his reign--with the AFT or AAUP as well.

The AAUP is now unofficially talking with the NEA and AFT about what kind of "cooperative agreements" they might reach. Such agreements may be a realistic alternative to the current organizational warfare. Although discussions have not progressed to specific issues, four areas of employee interests could form part of a cooperative agreement:

- Collective bargaining: services needed by all unionized faculties, such as help with

⁷⁸"National Education Association: 'A Peculiar Hybrid'," Congressional Quarterly, June 1, 1974, p. 1418.

negotiations, understanding budgets and other technical matters.

- Legal action: all three associations are involved in expensive legal actions on behalf of college professors, and resources could perhaps be enjoined.
- Lobbying: passage of collective bargaining laws and increased appropriations for higher education have high priority.
- Affirmative action: faculty unions expect to confront the conflict between affirmative action and seniority.⁷⁹

Beyond possible cooperative agreements, there is some interest at the local-chapter level for "local mergers." Robert Nielson, director of the AFT's colleges department, reports: "We detect a lot of interest in our state organizations and on various campuses in the idea of local mergers."⁸⁰ The NEA's Gary Watts, director of affiliate services, said the possibility of merger came up in "six or eight local institutions this year."⁸¹ Joseph Duffy, AAUP general secretary, summarizes, "Faculties get restless and impatient when they see organizations pouring resources into competition that isn't relevant."⁸²

⁷⁹Philip W. Semas, "Faculty Unions Talking Cooperation--Gingerly," The Chronicle of Higher Education, Vol. X, No. 15 (June 9, 1975), p. 4.

⁸⁰Ibid. ⁸¹Ibid. ⁸²Ibid.

While the economic and perhaps education advantages are apparent under such mergers, the political advantages to this approach are not clear yet. Some researchers believe the presence of more than one organization in a collective bargaining election enhances the prospects for unionization. Those researchers speculate that professors who would vote against unionization if the choice were a clear-cut "yes" or "no" would vote for a union instead of a "lesser of two evils." On the other hand, union officials speculate that more elections would be won by the unions if they were competing solely against the "no agent" option rather than each other. They cite the elections at the Universities of Colorado and Toledo, where a majority first voted in favor of collective bargaining but then could not agree on which bargaining agent they wanted.

In contrast, an AAUP-NEA coalition at the University of Hawaii ousted the AFT and then negotiated a contract with sizable pay increases. In New York State where the AFT and NEA affiliates have merged, virtually all of public higher education is unionized.

Furthermore, even with this organizational diatribe, the unions won most of the bargaining elections in the 1974-1975 academic year. Of the 25 elections held at four-year colleges, faculties voted against unionization in only nine cases. Only six two-year colleges have ever voted against unionization. By contrast, unions in private industry won

less than half the elections conducted by the National Labor Relations Board in the last half of 1974.⁸³

It is apparent from positions taken by the presidents of the three associations that faculty unionism is still in a "growth state."

Albert Shanker, president of the American Federation of Teachers, speaking at the Federation's annual meeting in August 1974 declared, "Higher education is one of the great areas of organizing that is available to us. College teachers are prime targets for AFT-style unionism because they now face many of the same problems as other teachers, including financial troubles, loss of jobs, and new problems in teaching that will result in open admissions."⁸⁴

John Ryor of the NEA, explaining why he thinks teachers should be allowed collective bargaining rights, noted that "Until there is a way for them [teachers] to sit down with their boards of education and deal with the problems that concern them, there will be an increasing frustration and increasing strikes."⁸⁵ As a high school teacher, Ryor's remarks were directed to a segment of education with which he is obviously most familiar. Considering, however,

⁸³Ibid.

⁸⁴"Union's New Chief Sets Sights on Colleges," The Chronicle of Higher Education, Vol. VIII, No. 41 (September 3, 1974), p. 1.

⁸⁵"NEA Vote Defeats Incumbent," Washington Star-News (July 8, 1975), p. A-5, AP wire story.

that the NEA is the sole representative of 148 campuses and local merged affiliates with either the AAUP or AFT at an additional 72, it appears that Ryor and the NEA will most likely respond to Shanker's challenge.

A somewhat more restrained attitude comes from Professor William W. Van Alstyne, president of the AAUP. Van Alstyne, who assumed office in April 1974, campaigned not as a protagonist in the collective bargaining movement nor as an antagonist. He simply admitted that he is "somewhat reluctant to see collective bargaining as salvation."⁸⁶ However he supports the commitment--now that it has been made--"so that faculty members may more effectively help themselves to secure economic justice...."⁸⁷

In addition, the AFT and NEA have taken steps to more systematically mobilize their forces in the field of higher education. The NEA formed a higher education caucus in 1972, when some professors feared the association was prepared to de-emphasize higher education. That same year, the NEA responded by passing a resolution declaring unionization of professors to be a top priority. In the 1973-74 academic year, over \$1 million was budgeted for the association's higher education program. Nearly \$2 million was

⁸⁶"Three Vie for Presidency of AAUP; First Real Contest in 59 Years," The Chronicle of Higher Education (February 19, 1974), p. 5.

⁸⁷"Biographical Data and Statements of Nominees," A leaflet prepared by the American Association of University Professors for the 1974 Annual Election.

budgeted for the 1974-75 academic year. John Ryor submits that it is "imperative that the NEA intensify its organizing efforts in higher education."⁸⁸

The AFT elected a college union leader to its executive council for the first time during its 1975 convention. The election of Mr. Irwin Polishook of the City University of New York as a vice president fulfilled a promise by AFT President Shanker. When Shanker was elected in 1974, he promised the federation's college leaders and the City University union (the nation's largest college faculty union) that they would have representation on the executive council.

In essence, the open acceptance of and the strong advocacy for faculty unionism in American higher education has come "full swing" in only one decade after a century of organized resistance. Although the story of collective bargaining in higher education has only begun, it is doubtful that the movement in this sector will again venture so far so fast as it has in the last decade. The record is sufficient to indicate that the principles that evolved over the last century in private sector unionism have been transferred to academe in spite of enormous differences in structure and role. While faculty unionism made its mark in the 1965-1975 decade as a viable alternative for faculty

⁸⁸"NEA Steps Up Plans to Organize Professors," The Chronicle of Higher Education, Vol. X, No. 18 (July 21, 1975), p. 5.

representation, the next decade may well provide an emphasis not on growth *per se*, but on a pervasive role for the union in academic governance.

Two Principal Segments of University Governance

Each college or university is made up of essentially four segments or "constituent elements," as Millett calls them. These groups--faculty, students, alumni and administration--are organized internally upon a principle of shared authority. While each group possesses substantial power, the roles only of the faculty and administration will be examined in this section, since they relate most directly to the primary concern of the present study: possible changes in the role of the university president's office as a result of faculty unionism.

THE PRESIDENT

The dilemma of the modern American college president may perhaps best be described by Michael Cohen and James March:

The American college president is faced with a set of beliefs about the amount of power he should have and the amount of power he does have that assure some resentment toward him. In addition, he is faced with a disparity between his potential power and beliefs about his power that assures his disappointment of others in his ability to act powerfully. He is resented because he is more powerful than he should be. He is scorned and frustrated because he is weaker than he is believed capable of being. If he acts as a "strong" president,

he exposes his weakness. If he acts as a "democratic" president, people consider him timid.⁸⁹

What structural antecedents have brought the college or university presidency to this unpleasant position? What are the functional expectations the faculty and the president himself expect from the office of the presidency? How do these perceived functions lend themselves to the dilemma noted by Cohen and March? The answers to these questions should provide an understanding of the president's role in university governance. Such is the intent of this section of the study.

Organizational Role

As noted in Chapter I, there are two subcultures in all academic institutions--non-hierarchical (academic) and hierarchical (finance-management). These subcultures may be characterized in many ways, but for convenience and simplicity they will hereinafter be referred to as collegial and bureaucratic. It is these two structures of power that create that ubiquitous tension within universities.

A short reference to the historical development of colleges and universities may provide a more lucid understanding of and perhaps some appreciation for these two structures in university governance.

⁸⁹Michael D. Cohen and James G. March, Leadership and Ambiguity: The American College President (New York: McGraw-Hill Book Company, 1974), p. 116.

The beginning of formal organizations or universities may be traced back to 1158 with the University of Bologna and 1200 with the University of Paris. From Paris, scholars migrated to England and founded Oxford; from Oxford came the founders of Cambridge. Other universities followed: Heidelberg, Vienna, Cologne and Harvard.

Early American colleges and universities were patterned after the liberal arts colleges of Cambridge (Harvard's founding fathers were descendants of Cambridge's Emmanuel College) and Oxford. The curriculum was based on grammar, logic, rhetoric, mathematics, astronomy and theology.

Today's American university is said to have emerged from the conceptual model of mid-nineteenth century educators: the British concept of a college for the making of educated gentlemen; the German concept of a graduate university pursuing knowledge for its own sake--introduced with the founding of Johns Hopkins University; and the American concept of a university supported by the people and justifying itself by serving their needs--especially associated with the large state universities and a technological society.⁹⁰ This model accentuated bureaucratization and thus increased the tension between collegial and bureaucratic elements in the academic arena.

⁹⁰W. Rudy, "The Revolution of American Higher Education, 1865-1900," *Harvard Educational Review*, XXIV (Summer 1951), p. 44 as quoted in Demerath, Stephens and Taylor, Power, Presidents and Professors, p. 18.

More directly, the root of the problem of the dual structures of power may be more closely defined when analyzing the growth of American colleges administratively. For example, as liberal arts colleges became universities, academic administration became specialized, differentiated and bureaucratic, as did the administration.

The appearance of "new" positions gives evidence to the trend towards bureaucratization. Demerath tells us that the first registrar was employed in 1887; the first vice-president in 1889; the first dean of the faculty in 1891; and the first business manager in 1906. In the 1950's departments were given standardized definitions and put into divisions by subject matter. Instructional activities, student personnel activities, research work, fund-raising, alumni activities, and public relations were separated, officially defined and placed under the direction of "new" officers.⁹¹

The organizational structure of a college or university has not developed an official complex bureaucratic pyramid--"official" because this is the structure as perceived by the lay public and to some degree prescribed by law and regulation. From the board (trustees or regents) and the president at the apex, lines of communication extend downward through the levels of an organization--

⁹¹Demerath, Stephens and Taylor, Power, Presidents and Professors, p. 22.

vice-presidents and/or provosts, deans, directors, department chairmen, professors and students. Horizontally on each level range the major colleges or schools (e.g., arts and sciences), the several service units (e.g., adult education, health clinic), the several departments within each school or division, and the various courses within each department.

It is important to remember that the "lines of communication" should not be interpreted as the power structure of the university. While greater clarification on this point will be presented in this section, the basic support for the refutation of the claim that ultimate power resides in the hierarchical structure is that the faculty is, collectively at least, the center of academic interest. Perhaps Millett said it best: "The administration exists not to dominate faculty or students, but to serve them."⁹²

More specifically, regarding the organizational role of the president and his administration, Meeth explains that historically the structure of American higher education administration has been based upon many theoretical criteria or group dynamics principles. It has developed out of necessity and imitation of the form of other institutions without necessarily possessing their needs.⁹³

⁹²Millett, The Academic Community, p. 180.

⁹³L. Richard Meeth, "Administration and Leadership," Power and Authority, edited by Harold L. Hodgkinson and L. Richard Meeth (San Francisco: Jossey-Bass, Inc., 1971), p. 50.

For example, three common patterns for administrative relationships have been categorized by Robert Merry: the inside-outside pattern, in which the dean is responsible for internal affairs, the president for external; the duo, in which the provost or dean is the representative of the president and responsibilities are shared; and the tripartite, in which the dean and the president work closely with the business manager.⁹⁴

The administrative organization of a multi-institutional university system is more complex. The president becomes more of a planner or coordinator presiding over a "cabinet" of vice-presidents and deans, who possess most internal management responsibilities of the college. Rourke and Brooks comment upon this style of university management.

While the university president increasingly focuses his energies on the external relations of the institution under his jurisdiction, the task of managing internal university affairs has increasingly been delegated to vice-presidents in charge of business, student, or academic administration. Formally or informally, these officials are organized into an executive cabinet which meets together to handle most of the critical decisions that come before the university, including budgetary allocations, plans for campus expansion, and other matters of major importance.⁹⁵

⁹⁴J. Gould, The Academic Deanship (New York: Teachers College Press, 1964), p. 4 as quoted in Meeth, "Administration and Leadership," p. 50.

⁹⁵Francis E. Rourke and Glenn E. Brooks, "The Managerial Revolution in Higher Education," Academic Governance, compiled and edited by J. Victor Baldrige (Berkeley, California: McCuthan Publishing Corporation, 1971), p. 188.

While there appears to be organizational similarities between what has developed in American higher education administration and administrative processes in industrial, commercial, civil, military and hospital organizations (as declared by Litchfield⁹⁶), a rebuttal to this theory is submitted by Millett. He suggests that "in terms of both tradition and current operating practice, higher education resembles other institutions and agencies of society; yet it is not to be equated with any of these. Rather, our colleges and universities constitute a unique institution different from any other."⁹⁷ He submits that they differ "in institutional setting, in purpose, in operation and hence in internal organization."⁹⁸

Millettt refutes Litchfield's theory on two counts specifically: there is little empirical evidence to sustain the thesis that organizational forms are similar or that bureaucracies necessarily behave in similar patterns regardless of the institutional setting; and there is little empirical evidence to suggest that the same solutions to similar problems of organization in various fields of activity may be equally satisfactory in the different institutional setting.

⁹⁶Edward H. Litchfield, "Notes on a General Theory of Administration," Administrative Science Quarterly, Vol. 1 (June, 1956), p. 28 as quoted in Millett, Academic Community, P. 8.

⁹⁷Millettt, Academic Community, p. 54.

⁹⁸Ibid., p. 32.

However, a third principle may be added. Contrary to practice in business enterprises and other organizational entities, the principle of hierarchy with authority centering in a board or a single administration is not applied in higher education. Colleges and universities are organized internally upon the principle of shared authority by four constituent elements: faculty, students, alumni and administration.

What, then, can be said of the president's role in an organizational context? He is an individual who is at the top of the apex for communication of information to all segments in the academic setting. Although he is seen to be all-powerful in the eyes of the public, he is that only in terms of his relationship with his administrative staff, and not with the faculty. With the faculty, his organizational role is limited and ambiguous, though his functional role is more explicit yet expansive. This role will be discussed in the following portion of this section.

Functional Role

The president's functional role may be described in several ways. Litchfield, for example, describes the administrative process as consisting of five types of activities: decision-making, programming, communicating, controlling, and reappraising. The process is a composite of the actions taken by the president. Furthermore, this administrative process has an "action cycle" which consists

of: 1) preparing policy--the definition of objectives, 2) managing resources--people, money, authority, time, and materials, and 3) executing policy--the integration and synthesis of effort.⁹⁹

Demerath suggests the presidency characteristically entails five major organizational roles: "money man"--perform feats of fiscal dexterity; "administrator"--plan and implement educational expansion and contraction; "father figure"--stand in loco parent's; "public relations man"--raise funds and engage in public speaking; "educator to the public"--be the eminent scholar and gentleman.¹⁰⁰

Addison Hickman identified five tasks for which administrators have a functional responsibility in the academic community: overall leadership; coordination of all levels of institution; planning and innovation of educational program--this is not an exclusive role; general quality standards of the institution; and mediator or buffer between the board of trustees, the public and the faculty.¹⁰¹

⁹⁹Edward H. Litchfield, "Organization in Large American Universities: The Administration," Academic Governance by Baldrige, pp. 152-153.

¹⁰⁰Demerath, Stephens and Taylor, Power, Presidents and Professors, pp. 69-123.

¹⁰¹C. Addison Hickman, "Faculty Participation in Academic Governance," Proceedings, 2nd Minnesota Inter-Collegiate Faculty Conference, March 1968, pp. 61-62 as quoted in Henry L. Mason, College and University Government, (New Orleans: Tulane University, 1972), p. 34.

Jacques Barzun declares that when administering a university, the president and his cabinet concern themselves with five matters: 1) instruction and educational administration, 2) business and finance, 3) scientific affairs and sponsored research, 4) university relations (with constituencies inside and outside the university), and 5) development of new undertakings and over-all coordination.¹⁰²

John Millett submits that the administration in the academic community must perform three essential functions: 1) provide educational leadership and cultivate an image of the college or university, 2) augment and allocate the scarce economic resources of the college or university, and 3) maintain the college or university as a going, viable enterprise.¹⁰³ Millett more specifically declares that the president serves in a "dual capacity" as: 1) the chief administrative officer, exercising general oversight of the functions of administration within the academic community, and 2) the principal member of the faculty, first among equals, the educational leader.¹⁰⁴ Further, Millett identifies five centralized educational services for which the president is responsible: business affairs, student

¹⁰²Jacques Barzun, The American University: How It Runs, Where It Is Going (New York: Harper & Row, 1968), p. 108.

¹⁰³Millet, Academic Community, p. 180.

¹⁰⁴Ibid., pp. 186-187.

personnel, physical plant, financial management and educational services (admissions and library among others).¹⁰⁵

Victor Baldridge presents the administrative process in the context of a political culture in academe as opposed to a subculture either bureaucratic or collegial. He interprets academic governance as a political process where various academic groups try to shape and mold the destiny of the university. He identifies five points which describe how political pressures are brought to bear on policymakers: 1) social structure--the university is splintered into different social groups with basically different political interests which often lead to conflict, 2) interest articulation--conflicting group values and goals must be translated into effective influence in order to be influential in the decision-making process, 3) legislation--legislative bodies respond to pressures which transform the conflict into politically feasible policy through the process of negotiation and compromise, 4) formulation of policy--after the conflict and legislative stages are complete, a policy is formed representing an authoritative, binding decision, 5) execution of policy--the policy is executed by bureaucrats.¹⁰⁶

¹⁰⁵Ibid., pp. 192-223.

¹⁰⁶J. Victor Baldridge, "Introduction: Models of University Governance--Bureaucratic, Collegial and Political," Academic Governance by Baldridge, pp. 12-13.

In essence, a university's political system is a complex social structure generating several pressures in the form of power that impinge on the decision-makers. The legislative stage translates the pressures into policy to be executed only to generate feedback with potentially new conflicts.

It is interesting to note that Millett correlates the sharing of power in academe with the political process of the branches of our government: executive, judicial, and legislative. He further conveys in The Academic Community that the organizational basis of American colleges and universities is a community of power as opposed to a hierarchy of power--which is the suggestion of Baldrige, who merely describes the "political process." In a later study, Government in the American University, Millett subscribes to this political model of Baldrige as a new mood in university governance. As opposed to the concept of collegium (i.e., a responsible sharing of power among constituent elements in a university), Millett sees "competing groups each holding some degree of power and tending to compete with other groups for additional power."¹⁰⁷

Cohen and March indicate that presidents consider four domains of decisions to be important within a modern

¹⁰⁷ John D. Millett, Government in the American University (Toledo, Ohio: University of Toledo, Center for the Study of Higher Education, 1969), pp. 8-9.

American college or university: 1) operating budget--distribution of financial resources among the departments, 2) educational policy decisions--establishment of curricula and academic organization, 3) academic tenure decisions--the granting of indefinite tenure to individual academic personnel, and 4) planning--development of long-run plans for capital expenditures, academic development, and institutional growth.¹⁰⁸

Virtually all presidents in the Cohen and March study participate in establishing the annual operating budget. The authors further establish that there are three fundamental accounting flows which constitute the operating budget: 1) the enrollment cycle--the rate and pattern of enrollment, 2) the institutional reputation--in seeking support from outside agencies, the president claims certain properties for the institution (age, prestige, innovativeness, poverty, uniqueness), 3) the research reputation--solicitation of funds from institutions of the federal government.

In the area of educational policy decision, the presidents perceive themselves as performing an important supportive role. The "major" decisions of academic policy the presidents normally are active in consists of questions about instructional calendars, new academic departments or schools, or school-wide curriculum requirements.

¹⁰⁸ Cohen and March, Leadership and Ambiguity, pp. 93-94.

In academic tenure decisions, the presidents have operated under conditions that make the substance of tenure decisions relatively less important to them than the importance of the decision to a faculty member or the ritual itself: most costs of the tenure agreement are borne by subsequent presidents; there is flexibility of movement for professors; and the president has no basis for believing that his judgment is better than the process.¹⁰⁹

The area of planning is considered a primary responsibility of executive leadership. Most presidents in the Cohen and March study concurred that the plan should provide both a broad general direction to the organization, and a clear specification of objectives with alternative routes to those objectives. Moreover, the plan should involve academic planning, fiscal planning, physical planning, personnel planning, research planning and organizational planning.¹¹⁰

Finally, Cohen and March developed eight metaphors which might distinctly define the governance of universities. The metaphors are as follows: 1) competitive market--the usual free-market elements, 2) administrative--the university is organized into a hierarchy of tasks and authority relations in order to achieve objectives that are defined precisely and operationally, 3) collective bargaining--the

¹⁰⁹Ibid., pp. 109-110.

¹¹⁰Ibid., p. 112.

assumption being that there are fundamentally conflicting interests that are resolved by bargaining among representatives of the major interest groups, 4) democratic--a community with an electorate consisting of students, faculty, alumni, citizens and parents who choose the president, 5) consensus--governmental authority lies in a procedure for securing apparent unanimity, 6) anarchy--each individual in the university makes autonomous decisions, 7) independent judiciary--assumes that, since leaders are selected arbitrarily with indefinite terms, substantial conflicts between immediate self-interests of current constituencies and the long-run interests of future constituencies exist, 8) plebiscitary autocracy--ruler chosen by some arbitrary process makes all decisions for a constituency consisting of everyone in the community.¹¹¹

March and Cohen then prescribe a role for the president of a university:

Metaphor

Presidential role

Competitive market

The college president is an entrepreneur. He may establish any kind of organization he wishes within the constraints imposed by the willingness of students, faculty, donors, and legislators to take their support elsewhere.

¹¹¹Ibid., pp. 30-34.

Administration

College presidents are appointed by the trustees to pursue the objectives specified by the board and are evaluated in terms of the performance of the organization with respect to those objectives. The major tasks of the president involve controlling the operation to ensure conformity with the objectives, coordinating the several sub-units toward that end, assuring consistency within the organization, and avoiding duplication of activities and waste.

Collective bargaining

The college president does two things: First, he attempts to mediate disputes between the interests in the university and help them to find mutually satisfactory agreements. In this activity, he is a facilitator of compromise or invention. Second, he supervises the implementation of the agreements, serving each of the interests to the degree specified by the bargaining outcomes.

Democracy

The college president sees himself as a hypothetical candidate for the office and offers promises of policy action in exchange for promises of support. His objective is to maintain a winning coalition of interest groups by responding to their demands for university policy.

Consensus

The presidential role involves three major activities; the management of the agendas, the public solicitation of consensus, and the implementation of agreements. The president responds to demands by placing them on the agenda for discussion, by inducing a discussion

of them, and by implementing them if they survive the discussion.

Anarchy

The president is a catalyst. He gains his influence by understanding the operation of the system and by inventing viable solutions that accomplish his objectives rather than by choosing among conflicting alternatives. "Management" in an anarchy involves the substitution of knowledge and subtle adjustment for the explicit authoritative control of bureaucracy.

Independent judiciary

The college president is not expected to reflect or adjust to the demands of a current set of actors, consumers, constituents, owners, or employees. Rather, he is expected to capture the historic truths of the university as an institution and to reflect those truths during a brief trusteeship.

Plebiscitary autocracy

The president is a decision-maker and organizer of opinion. Such consultation or assistance as he uses is simply a convenience to him and imposes no obligation to him to follow the advice. He acts on the objectives as he sees them and subsequently attempts to persuade his constituency that his rule should be continued.¹¹²

Cohen and March concluded that, providing they accept conventional wisdom, college presidents will think of university governance in terms of administration, collective

¹¹²Ibid., pp. 38-39.

bargaining, democracy, consensus, or some combination of those metaphors. They will think of themselves as administrators, mediators, political leaders, neighborhood chairmen, or some combination of these roles.

There are several interesting correlations that have surfaced from the declarations and suggestions made by the several authors noted previously in this section and those of Cohen and March. While the previously noted authors were theorizing and conceptualizing the role of administration and the president, Cohen and March drew upon raw data collected from interviewing college and university presidents and their support staffs at 42 colleges.

Secondly, most concur that the president's role consists of: 1) planning the academic and institutional growth, 2) allocating financial resources through budget design, 3) providing overall institutional leadership, 4) mediating differences between academic constituencies.

Furthermore, a review of the literature reveals no clear core of objectives that the president should pursue, and consequently no clear set of attributes that will assure success. Neither is there a well-defined model of the presidential job.

Additionally, there is a consensus that presidents generally correlate their jobs to that of a mayor first and that of a business executive second. In addition, there appears to be consensus that the president, while being first among equals, is the agent and not the master of the

faculty. Finally, even though concept of shared authority is the preeminent form of university governance in most of the literature, the authors assume that the larger the university or university system, the more bureaucratic the administrative process. While one cannot assume presidential authority in general increases with a larger central administration, it certainly must increase in the bureaucratic or hierarchical subculture of the university. The several more "channels of communication" for the collegial or non-hierarchical subculture must, to some degree, cause professors to wonder where it will all end.

It is true, as most of the literature suggests, that the nature of a university guarantees no power will ever be absolute. One wonders why individuals volunteer for jobs in which they cannot control their own destinies even though they are the chief administrative officers of an organization. Perhaps it is as Thomas Jefferson suggested--"they do indeed perceive their presidency as a splendid misery."¹¹³

THE FACULTY

The organizational role of the faculty is difficult to define with any precisions yet the collective faculty plays an integral part in university governance. Perhaps John Millett described it best:

¹¹³McGeorge Bundy, "Faculty Power," The Atlantic, September 1968, p. 45.

The key element in the academic process and in the academic community is the faculty. There is no other justification for the existence of a college or a university except to enable the faculty to carry on its instructional and research activities. Without a faculty higher education has no reason for being. It is the faculty which realizes or fails to realize the basic objectives of each college or university.¹¹⁴

Since the faculty is an instrumental part of university governance, how does it function? How is it organized, and by whom? To answer these questions one must analyze both the individual professor and the faculty collectively.

Interestingly, while the faculty and administrators resist a hierarchical power structure in governance terms, the members do assign a definite hierarchy for their own members. A young professor is expected to advance during his career through a formal hierarchy of rank: instructor, assistant professor, associate professor and professor. While each institution will have its own standards of appointment or promotion to each rank, the competition is substantial. Not all faculty members achieve the rank of professor. However, the faculty member, performing as an individual, is the basic unit in the educational process. He assumes primary authority and responsibility for the conduct of his scholarship.

For example, the faculty member determines the content and scope of his courses, the instructional procedures,

¹¹⁴Millett, Academic Community, p. 65.

and the expectations of student achievement. This authority is granted, of course, so long as the determinations are within the framework of the courses offered by his department--a requirement that brings to consideration the second role a faculty member must play--the collegial role. This role seeks his time and performance at three levels: the department, the "college" or "school," and the university.

The Department

The department is the entity that ties the individual faculty member to the university and at the same time to his discipline and the national (or international) academic arena. Each department, under the guidance or leadership of a chairman, has a number of important matters to consider and decisions to make: 1) decide the general scope and specialization of subject matter to be undertaken in course offerings, 2) determine the individual members who will be appointed to the department (performed in conjunction with the academic dean and sometimes the president), 3) determine whom to recommend for promotion in rank and salary increases (usually reviewed by other academic personnel), 4) determine courses it shall offer students and number of courses required for a "major," 5) consider scholarship and fellowship applications, 6) consider advance credit for studies a student has previously completed, 7) consider the admission of a student to an honors program, 8) consider whether a student should be graduated with honors,

9) consider the admission of a student to various levels of specialized study, and 10) decide who is to teach at the undergraduate and graduate levels.¹¹⁵

The faculty are normally arrayed by rank. First are those with tenure (normally "full" professors and associate professors), followed by assistant professors and instructors. There may also be teaching assistants or "fellows" of the department ranking below the instructors.

The department chairman is the administrative officer who must settle disputes among departmental members, place departmental objectives above those of any individual member, serve as a link between department and school or college, and be responsible for long-term growth and eminence in departmental reputation among other colleges and universities.¹¹⁶ The chairman maintains daily relationships with other scholars as colleagues and also works with committees. He represents his colleagues to the central administration (president, vice-president, deans, etc.) in the fashion of a delegate. Accordingly, he may be as busy, but not as suspect, as a dean.

Chairmen are normally appointed by the president upon nomination by the dean, but may be elected by their departmental colleagues. "A chairmanship is usually accepted with genuine reluctance, it is the epitome of a

¹¹⁵Ibid., pp. 83-87.

¹¹⁶Ibid., p. 89.

thankless task; no emoluments and no glory go with it; the only reward is the thought of service, and sometimes the possibility of developing or rebuilding a department along a chosen line," submits Barzun.¹¹⁷

Although the importance of the "school" or "college" and the university play a part in a faculty member's collegial role, the department has a special meaning. Faculty members have increasingly become specialists. For example, a political scientist is no longer a "political scientist" but a specialist in American political institutions, political theory, international law, comparative political institutions and otherwise. What does this mean to the college or university? Most professors are loyal first to their discipline or their department. Their loyalty to the discipline may transcend the department of their university to include professional relationships with faculty members at other colleges or universities. With this emphasis on specialization, it comes naturally for the scholar to promote his identity in the discipline as opposed to that in the university community as a whole.

Thus, it is evident that departments are not only a means for a faculty member to serve his collegial role, but are also an integral part in the university governance system. Furthermore, they provide scholarly association

¹¹⁷Barzun, The American University, p. 103.

and functions as a basic group for deciding fundamental issues about instruction and research.

The College or School Within the University

After the department, the next opportunity for a faculty member to participate in his collegial role is through the college or school that includes his department. Ordinarily the dean occupies the formal position of leadership with the faculty collectively and through committees being heavily involved in the decision-making process. The basic decision made at this level concerns the general scope of the curriculum as a whole (e.g., the college of education, of engineering, or of arts and sciences). Decisions need to be made regarding the number of credit hours of course work to complete for a degree together with a pattern of distribution among various subject matter fields.

The college or school is also an important level of review regarding matters of departmental curriculum construction, appointment, promotion of personnel, salary and other budget needs, student advising, and requirements for physical facilities. At times the dean will seek consultation with senior faculty members or refer all or part of the matters incumbent with the above responsibilities to committees.

From time to time, the collective faculty of a college or university meets to express its official and informal point of view. On the other hand, various matters of academic policy may be debated.

The dean is perceived as an administrator, a leader among equals, and even an academic "middle-manager." It is perhaps a combination of all three descriptions that fits him best. He designs the budget of the college and allocates the scarce resources, is normally strong in scholarship, and is expected to be the spokesman for, and at the same time the outpost of, the administration in conveying an understanding of general universal points of view.

While the dean does not issue orders to departments or faculty members, he does "stand as a symbol of their collegial responsibility. He is a reminder to all the faculty members of a college or school of their common purpose and common interest. To the extent that he can articulate this common purpose and can win adherents to it, the dean has fulfilled an essential role in the academic process."¹¹⁸

The University

The point of view of a college or university as a whole in academic matters is represented by the faculty collectively and by the leadership of the faculty. This leadership is provided by the president and his provost or vice-president for academic affairs.

Their role requires them to represent the best interests of the faculty as a whole while representing the interests of the university as a whole at the same time.

¹¹⁸Millett, Academic Community, p. 93.

The interests of the faculty and the university, while not identical, are highly related.

The president works closely with his provost, a council of deans, other administrative officers, and perhaps an elected faculty "consultative committee" to transmit the direction of the university and to assist in developing policies and decisions of university-wide interest.

However, there are more direct ways that a faculty member participates in the policy or decision-making process of a university. The faculty assembly and the faculty senate--though comprised only of an elected few--provide a faculty member with other means for contributing to the university through his collegial role. These are parliamentary or legislative devices.

The Assembly

The function of a general faculty assembly may vary according to the type or size of institution. In most cases, it is to "receive reports and announcements from officers of the university and from the faculty senate" and to formulate its opinion upon any subject of interest to the university and make recommendations thereon to the appropriate body or officer for final consideration."¹¹⁹ In addition, the assembly is to consult with appropriate

¹¹⁹Henry L. Mason, College and University Government, (New Orleans: Tulane University, 1972), p. 115.

administrative officers "to insure that policy and administrative implementation are consonant."¹²⁰

Since the assembly is normally too large for virtually all purposes--membership is usually all faculty and administration--the exercise of its powers is frequently delegated to a smaller body, usually a representative senate, with only review possibilities retained by the assembly.

The Senate

While the assembly meeting itself is more or less along the lines of a participatory town meeting, the senate is traditionally thought of as a "community of scholars" or the "legislative body" of the faculty. In general, it brings together elected faculty members and top administrators to share the authority and responsibility for important decisions involving their institution.

More specifically, the senate is an example of the concept of shared authority in university governance. If the governance structure works "properly," the senate influences basic decisions that directly affect the faculty. On student-centered issues such as degree requirements, curricula and scholastic standards, the faculty senate's judgment is frequently controlling. In other areas of senate involvement, such as admissions policies,

¹²⁰Ibid., p. 117.

institutional goals and the like, the faculty and administration work together. In matters relating to academic personnel policy, the senate often establishes procedures, but actual decisions on promotion, tenure, salary and other similar matters are resolved by deans or provosts, depending on the type and size of institution.

The Union

A third avenue for participation in the policy and decision-making process has recently surfaced. Although not collegial in nature or structure, the academic union provides the faculty member with means to resolve disagreements in university governance.

Israel Kugler suggests that if university governance is faced objectively, "a distinction does exist between management and faculty."¹²¹ Unlike the faculty senate, collective bargaining is founded on the belief that a fundamental and permanent conflict of interest exists between managers and the managed. Even though unions regard themselves as service organizations for the individual employee, their functional roles are based on the presence or implied presence of an adversary role which necessitates decision by

¹²¹Israel Kugler, "Creation of a Distinction Between Management and Faculty," Proceedings, First Annual Conference, National Center for the Study of Collective Bargaining in Higher Education, Maurice Benewitz editor (April 1973), p. 67.

compromise, exclusive agent and potential use of sanctions to coerce granting concessions. This latter characteristic is implemented by both bargaining parties.

As noted earlier in Chapter II of this study, the growth of faculty unionism continues. A frequent generalization about such organizing is that it may cause faculty senates to atrophy. It is possible that faculty unionism could enlarge its power and control at the cost of both the administration and the traditional avenues of faculty participation. Should this happen, Begin suggests four potential outcomes: 1) complete replacement of traditional procedures by the bargaining process, 2) the incorporation and protection of traditional procedures within the contract, 3) the development of a dual system of faculty participation (one for personnel matters, the other for educational policy), or 4) the improvement of senate operations in competition with bargaining to the point that the bargaining agent is undermined.¹²²

In the first alternative, the complete replacement of traditional procedures is more likely to occur where the traditional union model for decision-making is followed. The bargaining agent is then the sole conduit for faculty participation in institutional and educational policy

¹²²James P. Begin, "Collective Bargaining and Collegiality," Proceedings (April 1973) edited by Benewitz, p. 111.

matters, including any consultation activities which occur on non-negotiable matters.

The second alternative would protect traditional mechanisms by incorporating them into the bargaining agreement. The bargaining agent agrees to delegate most of its consultation activities to other bodies. However, it protects this transfer of authority by giving contractual status to the other decision-making forums. In this way the administration can no longer unilaterally change these processes. The epitome of this alternative is probably represented by the Boston State College agreement that set up a governance system where essentially none had previously existed.

The third alternative offers no formal contractual relationships between the two systems (collegial and union) of governance. There is, however, an informal agreement among the parties at the bargaining table (or broadly alluded to in the agreement) that the traditional procedures will be preserved. The relationship between the processes has not been formalized primarily because the faculty at the institutions will not support any obvious dilution of established traditional procedures. Rutgers essentially fits this model.¹²³

¹²³Ibid., pp. 11-12.

The fourth alternative is at the opposite extreme of the first alternative. Although the history of trade unionism does not support the proposition that a "counter" organization can supercede a union once it has become the exclusive representative, the administration in higher education may resist encroachment by unions in the faculty by permitting the senate to become more representative of faculty interests. There is already some evidence of this. Some university faculty are establishing senates where none had existed, and in other institutions administrators are giving greater credence to senate recommendations.

What of the future? It is possible that the collective bargaining process and the traditional senates may be mutually facilitative, particularly if a senate is viewed as part of a consultation process, as Begin suggests in his second alternative.¹²⁴ However, a number of contextual factors (e.g., a bargaining agent has a monopoly on representing faculty interests; it is difficult to differentiate between negotiable issues and issues to be left to traditional means of faculty deliberation) may serve to make the relationship between faculty unionism and traditional university governance procedures unstable.

¹²⁴Begin, "Collective Bargaining," p. 113.

Effects of Collective Bargaining
On Higher Education Administration

As has been discussed in the first section of this chapter, faculty unionism has affected the policies of faculty professional associations and governmental legislative bodies. The AFT advocated collective bargaining as early as 1935 and dropped its no-strike policy in 1963. The NEA operated under a policy of "joint decision-making" set forth in 1947 until 1962, when it adopted a position of providing an orderly method "to reach mutually satisfactory agreements." The NEA dropped its no strike policy in 1965 and gave official support to strike action in 1968, but only as a last resort. The AAUP began to reassess its anti-collective bargaining policy as early as 1964. The reassessment culminated in the adoption of its present policy in 1973. This policy includes the right to strike, but only as a last resort and under "extraordinary situations."

The idea of encouraging locals to seek exclusive recognition was endorsed by the AFT in 1964 and by the NEA in 1965. The AAUP endorsed the idea in 1966 on the premise that it should first be attempted through faculty-elected councils and lastly through the local chapter. By 1968 the association endorsed the "exclusive representation" action by its local chapters. In the area of government, it was not until 1959 that Wisconsin passed the first comprehensive bill permitting public employees to bargain collectively. New Hampshire had passed a bill in 1955 permitting towns to

bargain collectively with employees, but it did not specify procedures to follow or the responsibilities of the negotiating parties. As of September 1975, 23 states have passed statutory provisions permitting teachers and faculty to participate in collective bargaining. Perhaps coincidentally, all of the 23 states discussed in this chapter have passed or amended such legislation since 1962 when the NEA adopted its policy of "professional negotiations." In addition, legislation has been introduced before Congress, including the 94th Congress, which would permit all public employees to bargain collectively.

More specifically, faculty unionism and collective bargaining have brought other changes to the university community. Although it is still too early to determine the scope and degree of change unionism will bring in the long run, faculty unionism has had certain effects on higher education administration in two broad areas: personnel action and governance. These two areas of collegial responsibility will be discussed next.

Personnel Actions

Several authors have analyzed the question of whether or not faculty unionism has effected the salaries of faculty members.

George Angell, Director of Academic Collective Bargaining Information Service, submits that faculty salaries achieved "almost spectacular relative gains" for 23

community colleges in New York involved in collective bargaining when compared to civil service salaries, four-year college salaries, and cost-of-living indices from 1968 to 1971.¹²⁵

Kenneth Mortimer and Gregory Lazier found that "with one or two exceptions," the 14 college contracts they reviewed showed that "salaries provided for in the contracts are keeping the faculty even with or slightly ahead of the current rate of national inflation."¹²⁶

Duryea and Fisk examined several individual contracts and concluded:

...unions have contributed substantially to the economic welfare of their constituencies. The significant raises gained by St. John's University, the upper limit of well over thirty thousand dollars a year at CUNY, the more than 10 percent total over two years in SUNY during a time of budget retrenchment, and numerous other examples....¹²⁷

Robert Carr, in his article "The Troubled Professor," disputes the above conclusions. Carr points out that at some institutions (specifically Central Michigan University and the University of Rhode Island) it appears that organized

¹²⁵George W. Angell, "Two Year College Experience," in E. D. Duryea and Robert S. Fisk (editors), Faculty Unions and Collective Bargaining (San Francisco: Jossey-Bass, 1973), p. 95.

¹²⁶Kenneth P. Mortimer and G. Gregory Lazier, "Contracts of Four-Year Institutions," in Duryea and Fisk, Faculty Unions and Collective Bargaining, p. 115.

¹²⁷Frederick E. Hueppe, "Private University: St. John's," in Duryea and Fisk, Faculty Unions and Collective Bargaining, p. 213.

faculties make larger gains in compensation through collective bargaining than they might otherwise obtain. But, he suggests, at other institutions the compensation gains made by faculties under contract are perhaps no greater than those that would have been forthcoming under any circumstances. He concludes, "It is not yet proved that bargaining will be an effective means for the improvement of faculty compensation."¹²⁸

On one matter there seems to be consensus: Angell's suggestion that the rise in salaries might have occurred without contracts as a result of increased cost-of-living and the natural competition for professional services.¹²⁹

An analytical study by Robert Birnbaum provides a cogent analysis of faculty compensation in higher education--particularly at four-year public colleges and universities. Birnbaum found that between 1968-69 and 1972-73 the average compensation of unionized teachers at 88 institutions increased by \$777 more than those of faculty at 88 similar institutions without collective bargaining.¹³⁰ The results

¹²⁸Robert K. Carr, "The Troubled Professor," in The Effects of Faculty Collective Bargaining on Higher Education, edited by Raymond Hewitt, (Wellesley, Massachusetts: New England Board of Education, 1973), p. 51.

¹²⁹Angell, "Two-Year College Experience," p. 95.

¹³⁰Robert Birnbaum, "The Effects of Collective Bargaining on Faculty Compensation in Higher Education," in Collective Bargaining in Higher Education, Proceedings, Second Annual Conference, Thomas M. Mannix (editor), National Center for the Study of Collective Bargaining in Higher Education, Baruch College, City University of New York, 1974, p. 89.

of his study were based on figures gathered by the AAUP in its annual survey of faculty compensation, which includes salaries and fringe benefits.

Birnbaum hypothesized that collective bargaining has had no effect upon faculty compensation in higher education. He reasoned that faculties choose unionism primarily to achieve more power in university governance and improved job security--the marketplace was flooded with Ph.D.'s, student enrollment had reached a leveling-off period, and high faculty tenure rates led to stiffer competition for a decreasing number of faculty positions. In addition, he considered the financial austerity confronting most of higher education during this period made it difficult for professors to win significant gains in compensation unionized or not. The hypothesis was not supported.

The average compensation at the 88 institutions with collective bargaining increased 35 percent (\$12,341 in 1968-69 to \$16,681 in 1972-73). Faculty members at the institutions without collective bargaining averaged 29 percent increases (\$12,294 to \$15,857).¹³¹ The most significant gains during the five-year period were achieved by faculty members at the 40 four-year public colleges with a union contract (\$1,157 more than comparable colleges without a union contract). The nine public universities in the study

¹³¹Ibid., p. 90.

with unions bargaining for the faculty increased their compensation by \$883 over comparable institutions without a union contract.¹³²

The differences in compensation increases were much smaller at public two-year colleges (\$375) and at private institutions (\$338).¹³³ It is important to note that the latter three categories consisted of small samples--9 public universities, 29 two-year colleges, and 10 private colleges or universities--and that all categories included only colleges and universities participating in the AAUP compensation survey. Birnbaum suggests that no conclusions can be drawn from the results of the figures of the public two-year and private colleges or universities because these limitations were most pronounced with these institutions.

In summation, it appears that faculty unions have in some cases been a contributive but not decisive factor in securing higher compensation for faculty members. It is significant to note, however, that these increases indicated above have been achieved when many public colleges and universities have been operating under austerity budgets as a result of inflation, recession, moderating student enrollments, increased operational costs due to higher fuel charges, and other similar expenses. The effect such compensation allocations have on other budgetary allocations in the institutional setting under such circumstances is not a

¹³²Ibid. ¹³³Ibid.

question of primary concern in this study, but the allocations could be of considerable importance to the future of collective bargaining's effect on higher education administration and the academic program in particular.

Another area of personnel actions, one particularly pertinent to the salary issue, is that of salary parity. The inevitable insistence by unions that salary differentials among people in any given job category--other than those linked to seniority--be eliminated has affected compensation "packages" at some institutions.

Mortimer and Lazier concluded in a recent study:

...bargaining agreements tend to substitute the "objective" standards of seniority and time in rank for the principle of merit....The argument is that faculty members of equal rank and longevity are entitled to equal pay. While a few clauses are found which allow for merit raises above and beyond the minimum salaries provided for by the contract, pressure upon the administration to abide by the scale may inhibit the free distribution of merit increments.¹³⁴

By example, both the NEA and AFT affiliates have pursued faculty salary equalization. In the City University of New York (CUNY) system, parity between faculty at two-year community colleges and the rest of the system was achieved through collective bargaining. The maximum salary for faculty members at the community colleges increased by more than twice that at the senior institutions.

¹³⁴Mortimer and Lazier, "Contracts in Four-Year Institutions," p. 27 as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 70.

At the State University of New York (SUNY) system, Garbarino describes the parity issue in these terms:

The most controversial element of the package of adjustments has been the problem of distributing the merit increases....At SUNY, the failure of the union to secure funds for merit increases in 1971 was the subject of criticism in the university centers....In 1972, in a reopening of salary negotiations, the teaching faculty received a 3.5 percent general increase with another 1.5 percent made available for differential adjustments...¹³⁵

In California, the University and State Colleges System was prohibited from using limited but uncommitted salary funds for merit adjustments through the successful lobbying efforts of the AFT and NEA, who persuaded California's Department of Finance to require a general percentage increase for all.

At Rutgers, President Edward J. Bloustein proposed "that an amount equal to a normal increment for each faculty member below the maximum of his salary range be...awarded selectively to those members of the faculty who had demonstrated exceptionally meritorious performance...." An AAUP leader issued a statement calling for "Price rise for everyone, not just the meritorious....If all raises become merit increases, and if the deans make the decisions about who is meritorious, we are putting a weapon into the hands of the

¹³⁵ Joseph W. Garbarino, "Creeping Unionism and the Faculty Labor Market," in Higher Education and the Labor Market, Margaret Gordon (editor), (New York: McGraw-Hill Book Company, 1973) as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 70.

administration that will humble the faculty and set back collegiality and faculty participation in university governance...."136

This successful quest for salary parity in some institutions should not be too surprising. The egalitarian approach--inherent in union philosophy--must have been conceived by faculty members now unionized as likely to be implemented when they voted for exclusive representation by a faculty union.

As yet, the parity issue does not appear to be prevailing over the idea of merit raises on organized campuses. Perhaps this is a result of the unions seeking ways to eliminate or moderate the power of administrators in salary determinations by setting limitations on merit increases, determining minimum and maximum salary for each rank, or shifting some power to their colleagues or peers. The long-range effect of parity as opposed to merit may have a significant impact on academe. The emphasis of quality and competition for prestige distinctions among the faculty could be greatly reduced.

Faculty unions have also affected long-established procedures followed by university administrators in the reappointment of faculty and the awarding of tenure. Unions

136"Bloustein Asks State to Make All 1973-74 Salary Increases 'Merit' Raises," Rutgers AAUP Newsletter, Vol. 4, December 1972 as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, pp. 71-72.

advocate "probationary" appointments. Such an appointment would imply a claim of permanency to a job by a person demonstrating capable performance even if a more superior candidate is available.

A brief review of the CUNY negotiations will illustrate the controversy such advocacy has generated. The unions won guarantees of due process procedures for the decision-making process for reappointment and tenure. An additional controversial concession by the administration was an agreement to grant the faculty the right to outside arbitration.

In one case a faculty member was turned down for reappointment because he had not completed his Ph.D. Even though the contract limited the scope of arbitration to procedural matters, with no consideration of academic judgment allowed, the arbitrator overruled the decision because the university had no right to refuse reappointment on those [academic] grounds.¹³⁷

Unions also are trying to involve nonacademic judges in tenure decisions in a role similar to "review committees" in the industrial sector. In other words, a committee of three judges--one designated by the faculty union, one by the administration, and one by the two initially--selected members--would be able to stand in judgment of appeals by

¹³⁷Ladd and Lipset, Professors, Unions, and American Higher Education, p. 72.

nontenured faculty who were denied tenure. Such proposals stirred vigorous debate at CUNY and is of concern to institutions that wish to become distinguished in terms of scholarly quality of their colleagues.

A New York Times editorial well represents the concern of institutions and faculty associated with academic elitism. In considering the question whether tenure decisions should remain the responsibility of academic departments or be turned over to union grievance committees and outside arbitrators, the Times argued:

These decisions have traditionally been left to academic juries of the teachers' peers. Failure to renew the individual contract of a nontenured faculty member normally does not constitute a verdict of incompetence; it merely suggests that the department believes it ought to look for a person of even higher promise or of different qualifications before committing itself to a permanent offer of tenure....To abandon this approach in favor of what would in effect be automatic promotion and instant tenure, with appeals ultimately left to outside arbitrators, would seriously undercut the role of academic self-government. In plain language, it would mean adoption of the public school staffing model under which all certified teachers are essentially interchangeable parts. It is a model ill suited to the maintenance of high scholarly standards in universities.¹³⁸

Such advocacy, of course, runs counter to the union norms. Some distinguished academics enjoin the union norm on the basis that many budding careers are "jilted" or "snuffed out" because of lack of significant publications with too little credit given for "good teaching" skills.

¹³⁸"Organized University," New York Times, December 6, 1972 as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 73.

The union norm is contrary to the popular view shared by many leading colleges and universities. They submit to the theory for which James Conant argued while president of Harvard. He suggested faculty recommendations for tenure appointments were simply that--recommendations--and warned that unless a president concerned with scholarly calibre had the power to overrule, faculty quality would inevitably decline.¹³⁹ While such power may be abused by administrators, it negates the inherent tendency for "academic nepotism"--appointing those who do not challenge their seniors.¹⁴⁰

The prospects of the union norm prevailing in academe are still undetermined. It has, however, affected higher education administration at institutions such as CUNY and the University of California. At the University of California at Santa Barbara, the AFT successfully litigated a case for an assistant professor denied tenure after eight years on the faculty and recommended for tenure by his department. The chancellor denied him tenure based on negative evaluations of his published work from authorities outside the university. The union denounced the chancellor's action as capricious and cited the assistant professor's extraordinary record in other areas. He was granted a

¹³⁹ Ladd and Lipset, Professors, Unions, and American Higher Education, p. 75.

¹⁴⁰ Ibid.

nontenure reappointment for a ninth year, to be reviewed at the end of the year.

The union demands for more explicit procedures in tenure appointments can lead to bureaucracy and perhaps mediocrity. Ladd and Lipset report that, almost as a matter of course, collective bargaining agents assume the right to argue the case of practically any faculty member denied reappointment or tenure.¹⁴¹ Such appeal procedures embrace all available channels, including arbitration and litigation. At New York University, more than 60 percent of the 115 grievances filed in the first two years of the collective bargaining agreement went to arbitration.¹⁴² The enormous amount of time required of personnel committee members, department chairmen, deans, and other administrators needed to defend the action of the administration--and faculty involved in decision--is burdensome.

However, James Begin and William Weinberg found evidence contrary to Ladd and Lipset's position. They examined 21 contracts in early 1973 from four-year institutions with grievance procedures and found that 18 (or 86 percent) had either binding (17) or advisory (1) arbitration.

¹⁴¹Ibid., p. 80.

¹⁴²Matthew W. Finkin, "A Faculty Perspective," The Effects of Faculty Collective Bargaining on Higher Education, edited by Raymond Hewitt, (Wellesley, Massachusetts: New England Board of Education, 1973), p. 51.

In a similar study, they discovered 82 percent of two-year colleges with grievance procedures have binding or advisory arbitration.¹⁴³

An examination of the grievance procedure indicates that the four-year institutions have attempted to preserve the standard or historical role of faculty in personnel decisions. For instance, 12 (57 percent) of these institutions specifically excluded academic judgment issues--much as the CUNY contract is intended to operate. Furthermore, the final step option in the grievance procedure was used more than five times in only five of the 17 institutions with binding arbitration.¹⁴⁴ Whether such figures will remain low is questionable. The exclusion of academic judgment decisions, the limited scope of many contracts coupled with grievances limited to contract violations, and the fact that some contracts do not contain faculty personnel procedures may be considered as reasons for the low number of cases reported to reach the final step. However, if these contractual agreements change in scope and allow appeals based on academic judgment, a reversal of the current trend could be expected. It should be noted that the Begin and Weinberg study did not include the New York University

¹⁴³James P. Begin and William M. Weinberg, "Dispute Resolution in Higher Education," unpublished paper delivered at the annual meeting of the Society of Professionals in Dispute Resolution, November 12, 1974, p. 29.

¹⁴⁴*Ibid.*, p. 30.

experience mentioned earlier but did include SUNY, which had experienced 133 arbitration cases as of early 1973.

The potential growth of mediocrity in faculty reappointments could be a significant consequence of faculty unionism. For example, it is not unlikely to expect that the candidate may lower standards of reappointment to avoid the necessary time to defend negative judgment as well as to prevent a public controversy in which he may be portrayed as a "bad guy." These pressures encourage administrators to seek more formalized procedures and rules which may arbitrarily limit the number of faculty who can attain tenure.¹⁴⁵ Jack Cherniak of Rutgers described the situation thusly:

The problem then arises as to who is responsible for adverse decisions on appointment or reappointment.

Although faculty bargaining groups may have no intention of altering the traditional path to faculty membership and promotion, events may logically and inevitably move them in that direction. For the processing of a grievance which claims an unfair or erroneous decision at the departmental level places a higher administrative authority in the position of automatically defending a departmental decision on grounds of faculty responsibility, or of upsetting it and thus nibbling away at the principle of faculty control. To avoid this problem of adjudication administrators will at least seek to enforce more uniform adherence to rules governing the timing of decisions on faculty status at the department level and insist on clarity in understanding of the conditions of appointment and reappointment. But it seems possible that because grievances will at least to some extent claim error

¹⁴⁵Ladd and Lipset, Professors, Unions, and American Higher Education, p. 80.

in evaluation judgment, pressure towards bureaucratization will occur. Department chairmen and senior faculty will be obliged to follow more formal guidelines in reaching their decisions and the scope for independent judgment is likely to be constricted.¹⁴⁶

In summation, faculty unionism has begun to change the standard principles and procedures of academia with regard to reappointment and tenure. A semblance of blue-collar unionism characteristics is being transferred to academe. The effects are summarized by Joseph Garbarino as "a leveling process [that] has occurred as most of the benefits have gone to the faculty of the lower level institutions....Among regular rank faculty the most significant benefits have accrued to a relatively small fraction of the junior faculty who have improved their chances of continuing employment in a weak labor market."¹⁴⁷

Governance

The impact of collective bargaining on academe, and higher education administration in particular, extends beyond the personnel area. Werner Baum, President of the University of Rhode Island, suggests that the most fundamental new problem faculty unionism creates involves the

¹⁴⁶Jack Cherniak, "Grievance Procedures Under Collective Bargaining," Institute of Management and Labor Relations, Rutgers University (New Brunswick, October 26, 1972), pp. 4-5 as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, pp. 80-81.

¹⁴⁷Joseph W. Garbarino, "Faculty Unionism: From Theory to Practice," Industrial Relations, Vol. II, February 1972 as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 81.

faculty senate and the role it should or will play. He asks, "where is the line drawn between matters that are covered in the union contract and matters that are legislated by traditional means (through the faculty senate)?"¹⁴⁸

While he provides only an anecdotal answer, he notes that two principal functions of the senate have been bargained by the union at his university: faculty appeal board procedures have been replaced by grievance procedures under the contract, and promotion and tenure policies are now included in the contract. He suggests that as a result, the senate's jurisdiction may be restricted to curriculum matters which will not be of sufficient import to engender the senate's continued existence in a large university setting.

Everett Carll Ladd and Seymour Martin Lipset have also considered the effects of faculty unionism on the faculty senate. They note that senates are generally dominated by small minorities of faculty oligarchs (quasi-administrators concerned with academic politics) who serve as "pro forma" representatives of the entire faculty and may possess the power to overturn even the decisions of the oligarchy. They emphasize a most important point in the area of governance:

¹⁴⁸Werner A. Baum, "A President's Experiences," The Effects of Faculty Collective Bargaining on Higher Education, Conference Proceedings, New England Board of Higher Education, Raymond Hewitt (editor), p. 20.

Organizations that are designated as exclusive bargaining representatives of the faculty present the standard problem that they are prone to be controlled by an operative minority or oligarchy; but they also present a new one, arising from the fact that the voting membership is not coterminous with the faculty as a whole.¹⁴⁹

Garbarino enforces this statement in noting that at most four-year colleges and universities which have designated an exclusive bargaining agent, the majority of the faculty are not members of the organization that represents them.¹⁵⁰

In addition, Ladd and Lipset suggest a shift to unionization initiates a process in which a new type of individual represents the faculty. Normally, the faculty committee and chairmen of departments tend to be more conservative and more friendly to the administration than the faculty as a whole. These faculty members, generally older or "senior" and anxious to hold such "local" posts, are replaced under unionism by members from the less privileged strata of the university, presumably more liberal politically, more inclined to form an adversary posture against the administration, and more favorable to benefits that assist everyone across the board.¹⁵¹

¹⁴⁹Ladd and Lipset, Professors, Unions, and American Higher Education, p. 82.

¹⁵⁰Garbarino, "Faculty Unionism," as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 81.

¹⁵¹Ladd and Lipset, Professors, Unions, and American Higher Education, p. 83.

David Riesman reports that "commonly, presidents find that a union tends eventually to weaken the power of the Faculty Senate, even though during a transition period they may have to deal simultaneously with both the union and the Senate."¹⁵²

Ladd and Lipset concur:

Beyond the specific economic or academic powers taken up by collective bargaining agents, the very existence of union representation must serve to reduce interest and participation in faculty senates, councils, or other bodies. The adversary model of university governance contained in collective bargaining, with its consequent emphasis on formal, detailed spelling out of both rights and obligations--e.g., student contact hours, research time, faculty-student ratios--is likely to weaken the "producers' cooperative," self-government aspects.¹⁵³

Turning to specifics, at Boston State College the union is directly involved in choosing department chairmen. A provision in the contract provides department members with the responsibility for proposing three nominees for the chairmanship in union-supervised elections. The nominees are submitted to the president, who may refuse them (with the expectation that the procedure will be repeated). The New Jersey state colleges contract calls for the chairmen to be elected by department members: only under exceptional circumstances can the college president appoint a chairman

¹⁵²David Riesman, "Commentary and Epilogue," in David Riesman and Verne Stadtman (editors), Academic Transformations, (McGraw-Hill Book Company, New York, 1973), as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 84.

¹⁵³Ibid., p. 85.

with the consent of the local union. At Wayne State University the contract provides for bargaining unit members to be on committees responsible for advising the administration on selection of candidates for department heads, deans, directors, and other members of academic units.

There are authors who disagree with Baum, Riesman, and Ladd and Lipset on the effects of faculty unionism on the faculty senate. Begin and Weinberg speak of the "accommodation which must be made between faculty unions and existing procedures for faculty participation in decision-making." Addressing the most frequently mentioned effect of unionism on faculty senates--the undermining of the traditional procedures of governance--Begin and Weinberg submit that "there is almost no evidence to support a conclusion that collective bargaining has led to a significant dismantling of the traditional institution-wide or system-wide governance procedures such as senates or faculty councils."¹⁵⁴

In concurrence of this position, Garbarino has advanced an interesting proposition--that faculty unionism has dramatically increased the effectiveness of senates as vehicles for faculty participation of governance. He suggests this has occurred because "scores of new senates have been created and scores of existing senates have been

¹⁵⁴Begin and Weinberg, "Dispute Resolution in Higher Education," p. 18.

reinvigorated as a result of the spread of unionism."¹⁵⁵ This is an important educational contribution, since many institutions may never unionize while others are years away from "organizing." In the meantime, faculties of these institutions will benefit from the increased participation in university governance.

Begin and Weinberg assess this effect of unionism similarly:

In the most extensive agreements negotiated to date there is still little intrusion into educational policy issues such as admissions policy, curriculum, degree requirements, grading policy or the development of new programs....Thus, the substantive jurisdiction of senates in the area of educational policy has for the most part appeared to remain intact.

To the extent that senates dealt with faculty salary and personnel matters before bargaining, the jurisdiction of the senate at some institutions has been reduced. Indeed the trend appears to be in the direction of greater union involvement in negotiating matters such as sabbaticals, appointment, promotion and tenure procedures, workload and retrenchment procedures.¹⁵⁶

Garbarino asserts that in colleges or universities where unions exist, the most common form of relationship between senates and unions is one of "guarded cooperation." He attributes this to the unions' directing most of their attention to subject areas in which senates have not been

¹⁵⁵Joseph W. Garbarino, "Collegiality, Consensus, and Collective Bargaining," an unpublished paper delivered at the Third Annual Conference, National Center for the Study of Collective Bargaining in Higher Education, April 1975, p. 1.

¹⁵⁶Begin and Weinberg, "Dispute Resolution," pp. 19-20.

active or in which they have had little effective power.¹⁵⁷ Unions have directed the major part of their bargaining effort on personnel issues such as salaries and promotion, giving less attention to administrative matters and the least to academic matters--where the senates are strongest and most active, Garbarino finds. He suggests that unions will move into the areas other than personnel as collective bargaining matures.

A second prominent question, apart from the effects of faculty unionism on the senates, concerns the adversarial relationship which normally accompanies a union-management arrangement. The relationship of faculty and the administration before faculty unionism (and on campuses without unionism now) was termed as collegial or one of shared authority earlier in this chapter. However, even in a collegial setting an adversarial relationship of some nature existed between the faculty and administration--at least in all but the very elite institutions of scholarship. The question now is whether it has been exacerbated by unionism. Ladd and Lipset submit that it has, because administrators:

...become, as unions insist, representatives of management who seek to protect management's prerogatives and rights under the contract....The union representatives deal with management in a constant battle over interpretation of the contract. And the tendencies toward rigidity and bureaucratization, inherent in any case in the sheer size and complexity of many academic institutions, are magnified.¹⁵⁸

¹⁵⁷Garbarino, "Collegiality, Consensus," p. 2.

¹⁵⁸Ladd and Lipset, Professors, Unions, and American Higher Education, p. 88.

An example of such a confrontation posture is the following statement by Arnold Cantor, executive director of the Public Service Council (PSC):

In my view we must not lose sight of the fact that our continuing battle must be against the University Management--the BHE, the Chancellor, the Vice-Chancellor and the College Presidents. These are the people to be held responsible for daily efforts at denigrating our contract...

While the "real enemy" attempts to convince PERB that non-classroom members of the instructional staff should be in a separate unit; while the "real enemy" is constantly trying to increase our workloads, deny us sabbaticals, our research funds, and generally making our lives miserable; I urge that we do not dissipate our energies and resources fighting with other groups of teachers.¹⁵⁹

Garbarino suggests that there has been a "general raising of adversarial consciousness in faculty-administration relationships."¹⁶⁰ However, he counters this negative characteristic by noting what he sees to be two advantages to the collective bargaining process: 1) bargaining at periodic intervals with an official and exclusive representative encourages the simultaneous consideration of the whole range of issues between the parties, and 2) adopting the bargaining system means abandoning the assumption that change depends on reaching a consensus among major interest groups in favor of a reliance on majority rule.¹⁶¹

¹⁵⁹Arnold Cantor, "The Real Enemy," LC Reporter, March 27, 1972, as quoted in Ladd and Lipset, Professors, Unions, and American Higher Education, p. 87.

¹⁶⁰Garbarino, "Collegiality, Consensus," p. 12.

¹⁶¹Ibid., pp. 12-13.

In short, unionism occasions a more distinctive focus on the adversarial relationship between the faculty and the administration in general and the office of the president in particular.

Notable exceptions are at Boston State College, where President Kermit Morrissey advocated the establishment of the union, and at the University of Rhode Island, where the relations between faculty and the administration improved after collective bargaining.¹⁶² Nevertheless, a consensus exists that collective bargaining does change the standard role of university administration: the adversary relationship inherent in industrial unionism does not escape faculty unionism.

¹⁶²Baum, "A President's Experiences," p. 21.

CHAPTER III

METHODS AND MATERIALS OF RESEARCH

As the review of related literature has displayed, the function of university governance has been historically one of shared authority. The quality of cooperation between the two major components of the governance structure-- faculty and administration--cannot be facilitated by separating the academic subculture from the finance-management subculture, but must lie in balancing judgments pertaining to academic needs and fiscal realities of managing an institution.

Such judgments have been made on the basis of shared authority which relies on the reciprocal influence of the faculty and an administration which is led in its deliberations and decisions by the office of the president. However, faculty unions have surfaced in the past decade as the exclusive representatives of faculty in some four-year colleges and universities. When the faculty opts for a faculty union, it chooses to place primary reliance on power through this majoritarian body to confront the administration.

Charles Ping, vice-president and provost of Central Michigan University, has analyzed changes in higher education administration in their relation to faculty unionism as follows:

The adversarial relationship between administration and faculty has been brought sharply into focus in collective bargaining. Like it or not, administrators are not simply faculty who have a different set of responsibilities. Administrators serve by managing. This role is being magnified and defined with more precision through collective bargaining and it seems clear that collective bargaining will be a causal agent in this emerging trend. Other forces move in the same direction--state coordinating agencies, executive budget bureaus, and program budgeting sound the theme of public accountability--'manage or be managed!' Economic stress, the need for cost efficiency, and the reallocation of resources also forced this change.¹

The present study has been designed to investigate the purportedly "magnified" and more clearly "defined" role of the office of the university president as those changes have resulted from collective bargaining.

Sources of Data

There were two principal sources of data for the investigation--documents and interviews. Documents used were union contracts and constitutions, by-laws and other miscellaneous materials acquired during the course of the interviews.

Interviews were conducted on the campuses of three universities and two state colleges represented by a variety of major collective bargaining agents (as noted in parentheses below):

¹Charles J. Ping, "On Learning to Live with Collective Bargaining," The Journal of Higher Education (Ohio State University Press, 1973), p. 108.

Boston State College (AFT)

Oakland University (AAUP)

Rutgers University (AAUP)

State University College of New York at Buffalo
(NEA/AFT-UUP)

State University of New York at Buffalo
(NEA/AFT-UUP)

For purposes of simplicity and clarity, each institution will be referred to by letter (A, B, C, D, or E).

A. Oakland University (Rochester, Michigan) is a state supported, suburban university governed by a Board of Trustees. Originally established in 1959 under the auspices of the Michigan State University Board of Trustees, Oakland became an independent university in 1970. Its educational program consists of liberal arts, teacher preparatory, and professional education with certification to confer a doctorate degree on qualified graduates. Its 10,500 student body is taught by 328 full-time faculty members, of whom 75 percent belong to the AAUP faculty union. (Note: an agency shop provision was bargained in the summer of 1975.)

B. Rutgers, the State University of New Jersey (New Brunswick), is a state supported university governed by a Board of Governors. Established in 1766 as Queens College, it became the State University in 1945. Its educational program consists of liberal arts, teacher preparatory, and professional education. A major research and professional training university, Rutgers (at New Brunswick) enlists

approximately 2,500 faculty members to teach its nearly 46,000 student body. Approximately 45 percent of its faculty belong to the AAUP faculty union.

C. Boston State College is a state supported, former teachers college established in 1852. It is now a member of the Massachusetts State College System and governed by the system's Board of Trustees. Its educational program consists of liberal arts, nursing and teacher preparatory education. Its full-time faculty of 294 teaches approximately 6,200 students. Approximately 65 percent of the faculty are members of the AFT faculty union.

D. State University College of New York (at Buffalo) is a state supported, former teachers college established in 1871. Now a member of the 29 unit State University of New York (SUNY) system organized in 1948, it is governed by SUNY's Board of Trustees. Certified to confer the masters degree on qualified students, its educational program consists of liberal arts and teacher preparatory. Its faculty of 640 teaches 12,560 students. Approximately 65 percent of its faculty are members of the faculty union. Although its official bargaining unit is the United University Professions (UUP), the unit is affiliated with the NEA/AFT.

E. State University of New York (at Buffalo) is state supported, a member of the 29 unit SUNY system and governed by SUNY's Board of Trustees. Established in 1846, its educational program consists of liberal arts, teacher

preparatory and professional education with certification to confer doctorate degrees. A major research institution, the university is the largest and most comprehensive unit of SUNY. Its 22,100 student body is taught by 1,500 faculty, 15 percent of whom are members of the faculty union. Its bargaining unit, the UUP, is affiliated with the NEA/AFT.

The five institutions were selected for characteristics they hold in common while nevertheless possessing significant diversity. On the one hand, the institutions are state-supported and located in states where experience with faculty unionism has been extensive: Massachusetts, Michigan, New Jersey and New York. Four of the five institutions signed their first contracts with the union in July 1972. Boston State College signed in April 1972. On the other hand, while representing geographic dispersion, they also present a diversity of bargaining agents, a broad range of student enrollments and emerging patterns of public bargaining structures as relative to the nature of management authority in higher education bargaining.

The institutions are represented by two major national associations, the American Federation of Teachers (AFT) and the American Association of University Professors (AAUP). These associations together with the independent United University Professionals (UUP) and the merged association of the AFT and National Education Association (NEA) provide broad representative samplings of bargaining agents. An additional point of diversification is the faculty

representation in the various unions. Membership ranges from an estimated low of 15 percent at State University of New York at Buffalo to an approximate 75 percent at Oakland University. It should be understood that these percentage estimates represent only the faculty membership in the union. Other members of the union--teaching assistants, graduate assistants and professional and staff employees--have been eliminated in the estimates.

Furthermore, the colleges and universities included in this study illustrate three of the four emerging patterns of bargaining structures in the public university and college sector. These patterns are emerging principally because collective bargaining has decided to adapt itself to management structures rather than to restructure them.

1) Entire system within a single bargaining unit:

State University of New York at Buffalo and State University College at Buffalo are examples of this pattern. They are members of the State University of New York (SUNY), which includes institutions ranging from university graduate and research centers to technical and two-year community colleges. Collective bargaining is controlled by a centralized agency--the Governor's Office of Employee Relations--with a major role played by the central SUNY staff.

2) University negotiations separated from state college negotiations:

The New Jersey state college system consists of eight colleges covered under a uniform contract through centralized negotiations with the state. The negotiations are controlled by the Governor's Director of Employee Relations, with input by the Chancellor of Higher Education.

Rutgers University, the State University of New Jersey, is a research and graduate studies institution which has maintained a relatively autonomous bargaining posture. Two bargaining units have been established: one for the state college system and one for Rutgers. The state exercises direct control over the budget and the negotiations in the former case; the state has only indirect control through budgetary pressure in the latter case.

The State of Massachusetts is structured to bargain with its higher education institutions in a similar manner. Even though the state university system is not bargaining, it was kept separate from the ten-member state college system. However, it differs from the New Jersey model in that while it establishes centralized negotiations, each college (Boston State College for example) comprises a separate bargaining unit. The negotiations are conducted for each campus by the Board of Trustees of State Colleges, which includes campus administrators on the negotiating team.

3) Separate bargaining units with centralized state control:

This structure resembles the model just discussed with one exception--a state university (University of Rhode Island) is under the same board of control as a state college (Rhode Island College). That is, each institution, while a separate bargaining unit, still is under the centralized control of the state regardless of its size or status (state college or university.)

4) Single campus/single unit bargaining structure with local autonomy:

Oakland university represents this pattern, which has emerged in Michigan. The university, as do other organized colleges and universities in the state, negotiates separately (as a single institution) with its own faculty bargaining unit. There is no centralized bargaining structure established as a result of a state-wide coordinating authority.²

The interviews gathered data from sources in the two primary university subcultures featured in this study: academic and finance-management. The 23 interviews break

²James P. Begin and William M. Weinberg, "Dispute Resolution In Higher Education," (a working paper prepared for the annual meeting of the Society of Professionals in Dispute Resolution, November 12, 1974), pp. 7-10.

down as follows: four presidents, one executive vice-president who substituted for the president*; three academic vice-presidents and two assistant vice-presidents; three vice-presidents of finance or personnel; one assistant vice-president, and one dean of administration; two presidents and three immediate past presidents of the faculty union; and three chairmen or presidents of the university senate (at Boston State College no senate exists and at Oakland University the chairman is the university president).

These interviews offer a balanced representation of the academic and finance-management subcultures as emphasized in this study. The interviews were not expected to present data sufficiently comprehensive to permit a case study of each institution; they were conducted to assist in collecting original and factual data on the changes in the role of the office of the university president in public four-year colleges or universities that bargain collectively with their faculty.

Finally, it should be emphasized that a direct comparison of the differences existing among the various bargaining agents and their relative effectiveness *vis-a-vis* one another on the office of the president are not topics of this study, and no effort has been made to gather such

*Note: For simplicity and clarity, comments made by the Executive Vice President will be tabulated as reflecting the point of view of the President. When quoting, the title of Executive Vice President will be used.

comparative data. The five institutions are frequently analyzed, but primarily in terms of, 1) the number of faculty holding union membership, 2) the presence or absence of alternative formalized governance bodies to the union, and 3) the perceptions of those interviewed as they contribute to a descriptive portrait of the likely effect collective bargaining has on the office of the president in higher education.

Tools and Techniques

Many social scientists believe the "focused interview" to be a tool that possesses techniques less subject to some of the limitations of more general types of interview. The "focused interview" has the following characteristics:

1) It takes place with persons known to have been involved in a "particular concrete situation" (in the present case university presidents experiencing their role before and after collective bargaining).

2) It refers to situations that have been analyzed prior to the interview.

3) It proceeds on the basis of an "interview guide" outlining the major areas of the inquiry and problem area which locate pertinence of data to be secured in the interview.³

³Pauline V. Young, Scientific Social Surveys and Research (New Jersey: Englewood Cliffs, 1957), pp. 211-212.

The guide serves as an aid in, 1) focusing attention on salient points in the study, 2) securing comparable data in different interviews by the same interviewer, 3) gathering the same range of items essential in the analysis of the data or in testing the hypotheses formulated, 4) accumulating specific concrete details.⁴

It is expected that these tools and techniques would provide details of personal reactions and definite mental associations developed during the president's experience of his role before and after collective bargaining. Social scientists also assert this type of interview to be useful in studies attempting to ascertain new and unanticipated responses to known situations which may aid in clarifying the total response pattern. Those interviewed for the present study were presented a copy of the guide in advance of the interview session. They were thus able to review the scope of material to be covered. The technique limited "rambling" and provided some uniformity in the format for each interviewee. Although the basic interview guide format remained the same, the order of categories discussed was occasionally changed, either in recognition of the interviewees' primary area of expertise or to accommodate time limitations.

The interviewer followed the format of the "guide," and used preformulated questions under most categories

⁴Ibid., p. 221.

discussed. The technique permitted the interviewer to elicit equal emphasis and a continuity of analysis under each category of presidential responsibility.

The guide was pre-tested under conditions which simulated the expected conditions of the actual interview. Of the 23 interviews actually conducted, in only two cases (that of a university president and a senate chairman) were the interviews not taped. In every case, the interview was at least 30 minutes, with some exceeding an hour of uninterrupted time. In most interviews, four categories in which presidents hold responsibility through the shared governance concept were analyzed: governance; management; personnel matters; and educational policy.

It was in the latter area that the fewest number of responses were received. This resulted partly from a shortage of time and partly because matters normally considered in this area had already been addressed in conjunction with questions posed earlier in the interview process.

The tapes and notes from interviews were assembled and organized both across positions and within universities. The responses were then consolidated and analyzed. The results of this process are reported in Chapter IV.

CHAPTER IV

FINDINGS

The survey of related literature in Chapter II, Section 3 illustrates the general paucity of research on the role of the university president's office as related to collective bargaining. Most research has focused on collective bargaining in higher education by analyzing faculty unionism's effect on governance in general (e.g., senate versus union, collegial versus adversarial relationship), case studies, or the growth of faculty unionism and its effect on the three major professional associations (AAUP, AFT, NEA).

The purpose of this study is to analyze the role of the university president's office at five selected institutions and determine whether it has changed as a result of faculty unionism. The questions in the interviews were formulated on the basis that the president's principal functions involve the formulation and execution of institutional policy as it relates to financial resources, capital expenditures, academic development and institutional growth.

The five institutions selected do not provide a representative sample of public four-year colleges and universities. Several factors peculiar to every institution-- financial condition of the state, or the personality of the

current president or his predecessor and its effect on his *modus operandi* with or without faculty unionization--make each institution to some degree unique. Notwithstanding these uncontrollable elements, the five institutions selected do provide characteristics similar to those at most public four-year colleges or universities.

The format of this chapter follows the pattern of the four sets of questions used in the interview guide (see Appendix IV) to analyze four separate functional roles of the office of the university president: governance; management; personnel; and educational policy. In each functional role, an evaluative statement of each question, its response frequencies and explanations are given.

Governance

Data collected in the area of governance produced the following findings:

- A. What happened to the frequency of input--direct or indirect--to the president's office as a result of collective bargaining?

- 1) Vice-presidents or deans for academic affairs and finance or administration generally reported an increase in input from their offices to the office of the president. Only one vice-president for finance suggested a decrease in input had resulted from the president being forced to spend more time in discussions with the faculty union leadership. Of the four presidents responding to the

questions, three (C, D, and E) reported that an increase frequency of input from his top subordinate in the finance-management subculture had occurred while one (B) reportedly saw no change in the frequency. The three presidents reported an increase from the finance-management vice-president, but not from the academic vice-president's office.

It appears that the "administrative family" has not experienced a decrease in input to the office of the president. The presidents do seem to see the finance-management staff more frequently than before collective bargaining, but the academic staff input has not correspondingly decreased. At the same time, two academic vice-presidents recognized that the agenda for meetings with the president have become crowded with "bargaining matters."

2) Three respondents (one president and two vice-presidents) perceived department chairmen as having experienced a decrease in frequency of input; eight respondents perceived no change. In only one instance, a senate chairman, did anyone perceive an increase. However, the results are inconclusive, since two of the above respondents (one decrease and one no change) qualified their answers by saying the situation was affected by other changes on campus not connected with collective bargaining. Also, several interviewees did not answer the question, and at two institutions it was difficult to determine if the respondent's input was as a department chairman or as a member of the union. At all five institutions, the department chairmen are part of the bargaining unit.

It is interesting to note that a former union president, while not witnessing an increase in frequency, believed the department chairmen to be "more influential in educational policy because the administration looks upon them as an extension of the administration."

3) The effects faculty unions have or may have on the academic or university senate of a campus is a question of interest in higher education. While no conclusive evidence was discovered on this issue, perhaps some mention of perceptions related to this study will contribute to this perplexing question.

At three institutions (A, B, and E) the respondents reported the academic senate as retaining an active but unchanged frequency of input to the president. These three institutions represent the strongest academic universities of the five in this study. In each case, the respondents concurred that the senate is still the only campus organization dealing with educational policy issues--except where the bargained issues (e.g., personnel) secondarily affect these policy matters.

For example, at institution A the following comments were made:

The union is playing a large role in economic matters, but not beyond that.

Vice President,
Business Affairs

The leaders in the union are also leaders in the senate. We want to keep functions of the two entities separate and hope both continue to exist with the senate responsible for educational policy.

President,
Faculty Union

The senate continues as principal agent in educational policy, but there is a division of responsibility regarding personnel issues.

President

Similar comments were made at institutions B--a university whose senate was organized almost simultaneously with the union.

The role of the union has been restricted to bargaining, particularly over economic issues (salaries) and grievances.

Senior Vice President,
Academic Affairs

The union would like to represent the faculty on all matters. But it isn't now, and I doubt that it can because of institutional peculiarities, traditions and populous.

Vice President,
Personnel

At institution E, remarks by the respondents were the strongest against the union's role.

Most faculty want no part of the union; academic matters are handled through other machinery (e.g., senate). The union is merely another constituency to be considered whose viewpoint tends to be that of a traditional crafts union.

Executive Vice President

The only thing the union has and is likely to do around here is increase the faculty's ability to maintain economic gains through the concept of egalitarianism.

Vice President, Finance

The senate at institution D still retains the "approximate" level of input that was present prior to collective bargaining. However, the level of influence it retains as representative of the faculty "collectively" is moderated by the homogeneity of the senate and the union membership. Not only do approximately 65 percent of the faculty hold membership in the union, but the senate chairman is a union member as well. At institution C, the highly ineffective, disorganized and impotent senate existing prior to collective bargaining was replaced as the faculty organization by the union.

While the above responses by the interviewees reflect their perceptions of the "frequency of input" to the office of the president, additional comments reflect the concerns some educators hold regarding the "future" of the academic senate on campuses with a bargaining agent.

The attendance of the university senate (at A) has decreased significantly.

Vice President,
Academic Affairs

Ultimately we (the union) will have to take over the senate leadership (at D).

President,
Faculty Union

We (at E) are witnessing a slow erosion of the traditional role of the faculty senate of which the senate is unaware.

Executive Vice President

I think the union (at E) will eventually take policymaking out of the hands of the faculty in due course.

Vice President, Finance

It appears that the faculty union has begun to erode the functional role of the senate at even the strongest academic institutions. One can presume that the frequency of input to the president's office at the other two colleges may have decreased in personnel matters because of the unions' increased influence in this area. However, judging from the remarks noted above, the future prognosis of the role academic senates will play in university governance is far from resolved.

4) The input to the president's office from faculty standing committees (e.g., faculty affairs, rank and tenure) did not change at institutions A, B, D and E except where union committees were established to perform the same or similar function. For example, at institution A, the Professional Affairs Committee of the university senate was dissolved and its functions "subsumed" by the collective bargaining unit. A rank and tenure committee no longer exists, having been replaced by the Faculty Re-Employment and Promotion Committee and a Tenure Review Commission to handle grievances. Each committee has a union member or members and detailed procedural guidelines to which the administration and faculty adhere.

At institution B the changes have been similar. The "personnel committee" has lost much of its ability to

advise, but little or no change has resulted for other standing committees.

The faculty standing committees at institution C were essentially dissolved with the creation of the union. Prior to collective bargaining, the committee structure had little input to the president's office. It appears that faculty unions have had little effect on changing the "committee structure" of universities except in cases where the committees were responsible for personnel matters. This is not the case, of course, at institution C, where the previous governance system was abolished in favor of a faculty union.

5) Input to the president's office from union committees was most evident at institution C. With no other formal faculty organization on campus, the union leadership and its committee structure gain frequent input to the president on most policy issues. Principally as a matter of practice, the committee input is received as recommendation or consultation by the office of the president. The president saw the union committee structure providing "more specific and disciplined methods" of operation as opposed to the "leisurely methods of the normal academic senate."

At no institution does the union have direct input on budget design. While the union may have input resulting from salary or wage agreements, retrenchment provisions or library funds, it is not "officially" included or represented in any faculty or university committee. In

fact, all five institutions as a matter of policy deliberately keep unions off budget committees and outside the budget-design process.

The input of union committees then, generally has been limited to a consultation and recommendation role with the most impact occurring at the institution where no other official form of faculty governance exists. No change in the traditional system of faculty input--department chairmen, deans, and vice presidents--has occurred.

B. How has the establishment of collective bargaining affected the collective faculty's governance relationship with the office of the president?

1) Of 20 respondents, 13 saw the union playing an increasingly larger role in representing the faculty. The union representatives declared unanimously that the unions have become the representative for the faculties on personnel items, one representative (at D) declaring that the union was "moving in the direction of the real meaning of exclusive representation." Specifically, at the three institutions where academic scholarship ranks highest, 11 respondents explicitly emphasized that the unions' influence had not yet encroached on educational policy matters except as an indirect result of bargaining issues. While all five union leaders concurred in this assessment, the leaders at B, D and E expected the union to begin to move towards influencing matters in educational policy. As

noted earlier, the union president at A did not expect the union to converge on the traditional faculty senate's role in educational policy. At institution C, the former union president submitted that the only effect the union will have on educational policy is as a result of correlation with personnel matters.

Of the presidents, three (A, C, and D) considered the union's impact or leadership to have occurred principally, if not solely, in the personnel area. However, the latter two qualified their remarks by noting either that the union was "the sole agent in a formal sense" or that the "high homogeneity of the union and senate memberships made it difficult to respond conclusively."

Two presidents (at B and E) saw no impact occurring in relationship to the office of the president. These presidents represented the largest universities studied, a fact that may explain their response, since most of the collective bargaining issues at these schools appear to be resolved at subordinate levels. Only at institutions C and D, where union membership exceeds 50 percent of the faculty, was there a consensus that the union played a "significant" or "large" role in representing the faculty.

2) Of 21 respondents, ten suggest that power and decision-making are not gravitating to the bargaining table. Four of the ten respondents were presidents. The only union representative of the ten concluded that, while the "union plays a role of participation in a dialogue" on

several matters, "power and decision-making ultimately remains with the president" at institution C. On the other hand, ten respondents suggested that power and decision-making now gravitate to the bargaining table. Six, including one president (D), felt this has occurred only in personnel matters. Two concluded that this results from the union being the only source of representation with "legal support." Two union representatives (A and B) submitted that the "power and decision-making on campus is gravitating to the bargaining unit's leaders."

At only one institution was there unanimous agreement on this issue--institution C, where the president is recognized as holding the "ultimate authority and, therefore, the power rests in that office."

These responses do not markedly differ from those given earlier regarding the unions' influence. The presidents in particular appear to recognize some loss of power through the collective bargaining process, as it relates to personnel matters. As state-supported institutions, many salary and fringe benefit matters are regulated by the state government.

3) The responses show all eight interviewees from institutions A and E and four of the five from institution B to believe that collective bargaining has not permitted the faculty to obtain greater influence in setting educational policy, except as may occur as a result of changing personnel policies. Of the remaining seven

responses to this question, two respondents (at institution D) considered the union to have little or no influence. Four of the remaining five consider the union to have considerable influence, one asserting that it was attaining increasing influence in this area.

Two presidents (B and E) saw no union influence in these matters, while three conceded some influence on educational policy to the union--but only as a secondary effect of personnel matters bargained by the union. In one case, the president reported the union's influence as being "not as much as [that] of the department chairmen."

As noted above, the institutions with the strongest academic rating (A, B and E) were practically unanimous (12 negative, one affirmative) in their belief that educational policy has not been directly influenced by collective bargaining. Such responses appear consistent with answers supplied to earlier questions as well as the consensus of related literature on this subject--the more academically elite the institution, the less the influence of the faculty union.

However, the future of union input into educational policy may not remain so discriminate. In addition to the data and remarks noted in the analysis pertaining to the faculty senate on pages 151 through 154 above, the possibility of a real struggle in this area appears imminent. An interesting assessment of the potential role of

faculty unions in these policy areas was advanced by the executive vice-president at institution E.

The union is taking an increasingly wider claim in what could be considered educational policy (e.g., retrenchment). The administration thinks it's a university senate's matter, the union considers it as its matter--we're on a collision course.

The president of the university senate (at E) suggested that should the union begin to infringe on these policy areas considered to be "senate prerogatives," a major fight would occur which could lead to the faculty requesting a new bargaining agent--although the prospects for a move to be successful in the SUNY system would be rather remote. However, the vice president for academic affairs at institution A warned that such encroachment by the union may lead to litigation. "I do not see educational policy matters in collective-bargaining--such a move may be challenged in court as to whether these are bargainable issues."

This is not a view generally shared by the interviewees; however, an interesting opinion by a regional director of the NLRB provides some basis for this reasoning (*Supra*, page 73).

4) The responses evaluating whether collective bargaining permits faculty to have greater influence in setting institutional policy were similar to those expressed for educational policy. Thirteen respondents believe that collective bargaining had no influence on institutional policy. Two presidents who had considered the union's

influence not to have changed the pattern of educational policymaking also concluded that collective bargaining has failed to influence institutional policy. A third president concurred in this assessment. Two presidents concluded that the union had some influence on institutional policy but "not as much as the department chairmen" or the academic senate.

At the largest institutions, B and E, all respondents reported no influence, while at institution C all respondents reported some influence. There was a mixed response from the remaining two institutions.

C. What effect has collective bargaining has upon the president's opportunity for leadership with
1) the faculty, and 2) the public, students,
alumni, trustees and legislature?

1) Of 19 respondents, nine believed that no change has occurred in the leadership role the office of the president plays in relationship to the faculty. Six respondents suggested the leadership role had decreased, while four perceived an increase.

In no instance did a unanimous appraisal by one set of similar office holders appear. For example, two presidents believed the role to have increased and two thought there had been no change. One union leader thought this functional role to have increased, two considered it to have decreased, and one submitted no change had resulted.

Two academic vice-presidents perceived no change, while two declared a decrease to be evident.

In institutions A, B and E, none of the respondents concluded that an increase had occurred. On the other hand, three of the five respondents at institution D found an increase. The responses of four union leaders were particularly illustrative of the broad range of opinion on this question:

There has been no effect except perhaps consciousness raising.

It has increased because the president has had to be more decisive and respond to positions taken by the union.

It has decreased because we have become a more bureaucratic organization.

The president's role has decreased because he has been placed in the role of an adversary.

The results of the interviews do not provide a conclusive answer regarding collective bargaining's effect on the president's opportunity for leadership with the faculty. Even though the respondents from the three strongest academic institutions agreed that no increase of opportunity for leadership has occurred, responses from two of the institutions indicate that size alone (B and E) apparently does not provide the means for a president to lead the faculty. In fact, it is possible that at institutions of their size--major research universities--presidents are hired to lead the institution and not the faculty. The university president at institution A was before collective

bargaining and is now the president of the university senate. Therefore, his leadership role with the faculty, at least by position, has not changed.

2) When asked to assess the president's leadership role with the public, students, trustees, alumni and legislature, most interviewees declined to comment. However, all of the presidents responded, with some similarity in their answers.

Two presidents considered their opportunity for leadership with the trustees to have increased as a result of collective bargaining. The governing boards were looking to the presidents for increased leadership because they were representing "management." In all other categories, these presidents either saw no change or felt the question inapplicable to his institution.

Two other presidents reported they perceived no change in their opportunity for leadership with these groups. The remaining president considered the only change to be an increase in dealing with the state's executive branch as opposed to the legislature. Union activity and influence with the governor's office and its related functionaries, have forced the president's office into a more active role. He noted that:

...the leadership of the collective bargaining unit, especially in this democratic administration, has an entree and avenue of significant influence at the state level that I've never known faculty to have before except in this trade union organization.

D. The principal role of a university president is recognized by most educators as being one of institutional leadership. However, four functional tasks are considered to be most prominent in a president's role. These are:

- a. To develop the budget.
- b. To coordinate and evaluate the educational programs and operations of the institution.
- c. To plan for change and development.
- d. To mediate differences between the faculty and outside constituencies/agencies (governing boards, public, legislature).

The interviewees were asked to rank order these tasks in relation to their significance before and after collective bargaining.

Sixteen of the interviewees provided a rank ordering. Before collective bargaining the respondents considered the president's most significant task to be the coordination and evaluation of education programs and operation of the institution. In ranking the four tasks by giving one the highest significance, task b (educational programs and institutional operations) averaged 2.0 followed by a (budget) and c (change and development), both at 2.67 and d (mediate) at 3.47.

After collective bargaining, task a (developing the budget) becomes the most significant task, with a 2.2 average, followed by b and c at 2.67 and d at 3.27.

From the raw data one could conclude that collective bargaining has caused the president to give more time and energy or place greater significance on the

formation of a budget. Furthermore, the significance of coordinating and evaluating educational programs and operations of the institution has dropped in significance, but remains at a level with planning for change and development.

The significance of mediating differences between faculty and outside constituencies has increased, but not enough to change its rank order. The analysis further showed that if a respondent ranked a task high before collective bargaining, the ranking remained fairly consistent after collective bargaining.

These rankings should be evaluated with caution. Many conditions--financial in particular--at these institutions have changed during the years under discussion for reasons that have nothing to do with collective bargaining. Therefore, any change in rank order does not necessarily result from faculty unionization.

It is interesting to note that four presidents did not perceive any change in the rank order. Two of these presidents ranked the tasks b (educational programs and institutional operations), c (change and development), a (budget) and d (mediate), another a, b, c and d, and the fourth did not rank the tasks, but concluded that no change had occurred. The fifth president perceived the tasks before collective bargaining as b, c, a and d (as did two others), but changed the rank order to b, a, d and c. He was the only president to have d--mediating differences between the faculty and outside constituencies--higher than

a rank of 4. It is interesting to note that he represents an institution (D) characterized by the union president as "very political" and its union as "quickly learning how much power we have."

Management

Data collected in the area of management produced the following findings:

A. What changes have occurred in the area of financial resources management as a result of collective bargaining?

1) In the area of legislative appropriations, two presidents (D and E) remarked that their state legislature appropriated fewer funds (calculated on a per faculty or per student basis). One of the presidents indicated that this has resulted in fewer funds being used for supplies, equipment, and travel. He reported a willingness to make the cuts in these areas, but stressed that once an irreducible minimum level of support is reached here, then further reductions must come elsewhere--perhaps from the educational program. This may not be a conscious decision precipitated by the legislature's appropriations. For instance, at institution E, regulated by the same legislature, the executive vice-president remarked:

Salaries and fringe benefits are legislatively determined. When the legislature increases these it has the commensurate responsibility of increasing our appropriation. The side effect, however, is that as the legislature sees our budget go up, as a consequence in part of these salary awards, it fails to

provide the support funding which is integral to the university. And what has happened is that salaries have dangerously outrun our support funding. So while it isn't a conscious transfer, what is happening is a failure to increase one commensurate with the other.

While this pattern has not as yet inflicted great pain at these institutions, the future may be somewhat bleak. For example, at institution A, the vice-president for business affairs reports that "the legislature has not modified appropriations to reflect collective bargaining. Not only has the total state budget for higher education been going down for three years, we allocate a larger percentage for salaries and wages and a smaller portion for support costs." For example, the vice president for academic affairs reported that his office's budget reflects this negative result. Before collective bargaining, approximately 80 percent of "his budget" (academic instruction) went for salaries, wages and benefits. Since collective bargaining, nearly 92 percent of these same funds are spent on salaries, wages and benefits. He considered this to be "a deplorable situation," particularly for an institution that likes to think of itself as providing an elite education resembling that at distinguished private colleges.

The presidents at institutions B and C did not recognize any change in their institutions' budgets. It appears that collective bargaining has had little influence on educational programs. However, three presidents

at A, B and E suggest that there is not enough money to do anything much beyond paying salaries.

It appears that collective bargaining may have an impact or influence on educational programs and perhaps policy resulting from legislative appropriations. If the legislatures do not increase budget appropriations commensurate with salary and other financial expenses resulting from collective bargaining, then perhaps a creative and expansive educational program will be hampered or rendered practically impossible.

2) State government financial austerity has resulted in appropriations cutbacks or constrictions for the university budgets.

Of 20 responses, thirteen interviewees perceived the president as having acquired more administrative authority as a result of fewer funds with which to manage. At least one individual at each institution responded in this manner, although at three institutions (A, B and C) the answers were decidedly affirmative. Of the five presidents, two perceived an increase in their authority either because "collective bargaining takes away a fair amount of freedom from the faculty" or because the decisions relating to budget constrictions are made by the president. One president, while remaining noncommittal, reported that the president is required to "play with a smaller amount of funds, which creates a more crucial impact."

Two presidents declared that the authority of the president's office has decreased either because "we're having both austerity and more democracy simultaneously" or because "the real authority now is in the hands of the Division of the Budget....(The university) is increasingly becoming an arm of the government."

At only one institution (D), did the consensus of the interviewees grant less authority to the office of the president. Three of the six such declarations can be attributed to this one institution. The consensus appears to be that the president has more authority after as opposed to before collective bargaining. Even three of four union representatives responding to this question concurred with this assessment. However, it must be remembered that since these schools signed their first bargaining contracts in 1972, the financial condition of each state has been caught under austerity measures. Therefore, while presidents appear to be gaining more administrative control or authority, it may not be as a direct result of collective bargaining.

Another important area to be considered in the university's budget design is the question of faculty input. Thirteen of the 16 respondents, including four presidents, do not recognize any change in the role of faculty in budget design as a result of collective bargaining. Faculty at all of the institutions were consulted in the budget design before as well as after the advent of

faculty unionism on campus. This was and is accomplished through the normal procedure of reports principally from department chairmen and deans. At one institution (C), all three respondents, including the president, noted the faculty is more involved after collective bargaining, particularly as a result of the decreased budget appropriations from the state legislature.

It is interesting to note that at this institution four of five respondents remarked earlier they perceived the president's administrative authority to have increased. Perhaps this increase resulted from the existence of a totally disorganized and inept faculty senate before bargaining. However, it was conceded that the normal lines of faculty input in budget design (deans and department chairmen) were and are more frequently on a consultation or recommendation basis.

At no institution was the union an official instrument in budget design. It is, in fact, in all instances prohibited from such activity. The only union input results from members of the faculty playing a homogeneous role (e.g., consulted as department chairmen but also a member of the union) or union committees submitting non-binding recommendations.

Perhaps the most significant effect the union has had on the budget involves retrenchment decisions. For example, at institution D, the union representative declared that:

We have been seeing that faculty cuts have been done in the most humane way possible. We applied pressure to see that the maximum amount of budget cutting came out of inanimate objects (travel, intercollegiate athletics, etc.) rather than people. The union took a position, legally and quietly, that administration realignment and departmental consolidation must take precedence over selective retrenchment of faculty.

3) It appears that these faculty unions have had their most significant impact on "management" practices through salary determinations. For example, at institutions A and C, the collective bargaining process determines the minimal and maximal salary per rank. At institutions D and E, the collective bargaining process is not responsible for determining minimal or maximal salary per rank. A maximum for each rank is provided through the Division of the Budget (in the executive branch of government) in conjunction with recommendations submitted by the state university system.

A similar pattern develops on the matter of a salary scale. The unions at institutions A, B and C have bargained for a salary scale or step raises. However, these have not been a bargaining issue at D and E.

One pattern exists at all the institutions as a result of collective bargaining. "Across-the-board" salary increases are the most preferred means of salary advancement. It appears that merit increases (which will be discussed in greater detail later in this chapter) are becoming a bargaining issue. The unions generally do not support this reward system and have been fairly successful in providing increased funding for salary increases across-the-board and decreased the funds available for merit.

B. Has the office of the president, which traditionally has had two principal relationships--to the university and to the faculty--been thrust into a management role as a result of collective bargaining?

1) Of 21 responses, 16 interviewees concluded that the office of the president had been thrust into a management role as a result of collective bargaining or the financial austerity problems exacerbated--to some degree--by the unions. In addition, two respondents declared that this had always been the president's role.

Only one respondent suggested that the president's role as a manager had decreased. The interviewee, a president who also reported a decrease in the administrative authority of the president's office, suggested that the "power of the office has been reduced because there is no longer any authority to withhold salary increases,"; therefore, he sensed a drop in the effectiveness of the office. However, the other four respondents from that same institution perceived the president's office to be significantly more management-oriented because of the state's financial austerity, the union's legal force, and the union's perception of the president as the management representative.

Of the remaining four presidents, three reported an increase in their role as manager and one recognized no change. Each of these men reported that a significant measure of management has always been invested in the office

of the president. One president (at D) and three other respondents interestingly remarked that while they perceived less administrative authority as a result of collective bargaining, they also experienced an increase in the management function of the president. However, of the remaining interviewees who responded to both the "administrative authority" and the "management" questions, 11 of the 16 interviewees remarked that an increase had occurred in both cases.

2) Of 22 interviewees, 19 reported an adversary relationship to exist on their campuses. Five of the 19 noted that it existed before collective bargaining, one that it had not been affected by unionism, and two--from the same institution (C)--suggested that the adversarial relationship between the office of the president and the faculty had decreased. However, one of these latter two individuals suggested that an adversarial situation created the union on campus which came as a response to an extremely autocratic president who preceded the formation of the union.

Three respondents considered collective bargaining to have no effect on the relationship between the faculty and the president. Two of these were from the same institution. One union representative declared that "we relate adversarially but there is no adversarial relationship."

The four presidents responding concurred that an adversarial relationship existed before and after collective

bargaining. Two noted an increased adversarial relationship. In no case did any interviewees report hostility, but two respondents--both union representatives--suggested that there was an amicable or "not hostile" relationship.

Eight of the respondents consider collective bargaining a process that creates an increased adversarial relationship between the faculty and the office of the president. This appears to support the general consensus that collective bargaining is an adversarial process.

Personnel

Data collected in the area of personnel provided the following findings:

A. What effect has collective bargaining had on the office of the president in establishing the criteria and procedures for the following personnel actions?

1) In the area of appointment, all 14 respondents concurred that no essential changes have occurred in establishing the criteria and procedures for appointment. A few deviations from the appointment procedures occurred: individual faculty candidates can no longer represent themselves, and appointment by administrative fiat has been abolished. However, no respondent suggested that either of these restrictions has affected the role of the president. On the other hand, one respondent (at E) suggested that appointment procedures are beginning "to resemble an

industrial personnel set-up" as a result of the union and affirmative action programs. A second respondent (at C) supported this assessment.

Notwithstanding the above misgivings, the respondents did not perceive the role of the president as being affected in the area of appointment as a result of collective bargaining. This consensus reflects the fact that the president still retains what amounts to "veto power" over any appointment at all of the institutions.

2) The responses in the area of promotion were very similar to those for appointment. All respondents suggested that no major change had occurred in the establishment of criteria. On the other hand, all respondents noted that the procedures, while not affecting the role of the president, have become more prescribed and precisely defined than they were before collective bargaining.

3) A personnel policy that is closely related to the matter of promotion is that of tenure. The consensus of 14 respondents suggest that collective bargaining has had some effect here. In addition to the normal union requirement for defining procedures at institution A, for example, administrators and deans have been eliminated from the faculty reappointment and promotion committee. In addition, a grievance provision permits a faculty member to appeal for binding arbitration if tenure is denied.

At institution B, the probationary period before a faculty member is "up or out" for a tenure appointment has

decreased from ten years to seven years. The administration and the AAUP both agreed that ten years was an unconscionably long time. Although it was not treated as a bargaining matter, the probationary period length arose as an issue at the bargaining table. Both parties agreed to appoint a joint committee charged with submitting a recommendation to the university senate. However, the union at institution B has filed an Unfair Labor Practice petition (with the State Public Employee Relations Council) against the administration for changing, in October 1974, the policy for granting promotions and tenure that had been operative "for years." The old policy reads:

Promotions to higher ranks may be made in recognition of teaching effectiveness, scholarly or creative activity, research accomplishments, professional activity, and general usefulness to the University. The weight to be given to each of these factors will be determined in the light of the duties required and to be required of the appointee.

In addition, Section 3.93 provides that, "after the expiration of a probationary period, faculty members should have permanent or continuous tenure..."

On May 20, 1975, the faculty union filed a petition against the new policy which reads:

Clearly, there are several components which must be considered when reviewing the overall tenure policy: balance and need within a particular discipline as well as the requirement of particular colleges; the performance of faculty members' responsibilities to the University; and institutional finances, which may well become a paramount consideration. Each of these components, as well as others, is crucial to the question of tenure.

The union argues that the conferral of tenure and promotion should not focus upon external factors such as institutional finances and "balance and need within a particular discipline."

The implications of this new policy are several. Can an institution detain or prohibit the promotion of a faculty member for lack of funds while others receive salary increments? Who is to determine the "balance and need" of a particular discipline or college? On the other hand, what happens to an institution's finances when, faced with an austerity budget, it is required to promote faculty to tenure--particularly if not enough students have enrolled in a discipline or course to justify the member's promotion or retention. If the funds are transferred from "program funds" to "salary and fringe benefits," what happens to the quality of the academic program?

In any event, should the union's petition be successful, the respondents (at B) would most likely submit different responses to this question of "changes in tenure criteria and procedures."

4) As regards merit increments, the majority suggested that faculty unions advocate either an elimination of the awards, a reduction in the discretionary power of those who reward merit, or at least a diminution of the significance of merit increments.

At institution A the consensus reported a decreasing opportunity for merit resulting primarily from the

faculty union's contracting for a certain allocation of funds for merit payments. The union representative remarked that "the future will be towards a regression to the mean with a few stars" who will still receive merit increments.

Merit increments have been a bargaining issue every year at institution B, but lack of funds have tabled the issue. In fact, there has been no merit salary mechanism for four years due to lack of funds.

At institution C there has been no guaranteed increment contracted. The state of Massachusetts had prohibited bargaining over funds until 1975, and even though the union at C does not advocate merit increments for reward (because it considers them to be administered capriciously and arbitrarily) merit is still part of the contract, though more limited.

At institutions D and E merit increments have not been eliminated, but the presidents say they are losing "discretionary power" in salary matters as a result of collective bargaining and its relationship--at these institutions--to the Division of the Budget in the executive branch of the state government. The union president at institution D concurred with her counterpart at institution C when she exclaimed, "The union is unalterably opposed to merit increments. We (union) are not opposed to meritorious behavior which is recognizing merit, but opposed to adding (merit) funds to salary, which is disastrous."

Such statements by the unions' representatives along with their bargaining positions raise the question of the traditional union advocacy of equality or uniformity of competition and its impact on higher education. The consensus from respondents indicates that collective bargaining has begun to promulgate an egalitarian concept in higher education. At institution A, for example, the academic vice-president remarked that "egalitarianism is the new ideal; merit is going out of style." The union representative agreed, noting that the setting of minima is a beginning.

The president at institution B remarked, "Everyone gets the same increase. There is no way of rewarding success or punishing failure. Its deplorable." He noted that while the state's financial condition was partly responsible for this, a large part was a result of collective bargaining. "The voting power (in a union) is generally in the lower ranks of faculty, teaching assistants and graduate assistants (employees)."

The vice-president for finance at institution E remarked similarly, "More and more dollars go for across-the-board raises than for merit. The base for support (for a union) is at the bottom of the power triangle (or organizational pyramid)."

The union representatives looked at this matter differently. One remarked that "(egalitarianism) is not necessarily desirable" and another exclaimed, "egalitarianism

will be the death of a university's search for excellence if merit is eliminated."

The evidence regarding the progress of egalitarianism is inconclusive; in cases where the administration perceives such an advancement to have occurred, however, the union representatives have disagreed on that perception and have further denied that such an advancement would even be desirable.

5) The grievance area provided perhaps the clearest example of the explicitness and centralization of personnel actions that result from collective bargaining. In each institution the respondents concurred that there are now definite procedures defined by contractual agreement to eliminate possible arbitrary and capricious action by administrators. In the words of a union representative, grievance "has become recognized as a legal and not a moral issue."

In addition, at least one respondent at each institution noted that the mere threat of a grievance has helped the faculty. An academic administrator complained that grievance procedures have restricted the ability of a president to make decisions because of the threat that a grievance may be filed. The president of institution B agreed with this perception, asserting that:

The necessity of meeting requirements of the grievance procedure has in itself caused certain perceptions on the part of people doing the promoting, changes in the method of formalization of procedural rigidity, creating a set of anxieties....The same process has been enhanced by affirmative action and development of HEW and monitoring of promotions. Put the two together and this is the single most important thing I attribute to the union as enhanced by the outside influences.

In general, nearly all respondents perceived personnel policies to have become more explicit and uniform. At the same time, a decentralization of the administration's authority through centralization of the due process procedures and policy formulation has resulted.

Educational Policy

Much information on this issue has been analyzed earlier in this chapter (*Supra*, pages 158 and 160), where the possible effect collective bargaining has had on university governance as it relates to setting educational policy was considered. As noted, 12 of the 13 respondents at institutions A, B and E reported no influence on educational policy except as may result from changes in personnel policies.

Additional data collected in the area of educational policy provided the following findings:

- A. In this section, consideration was given to the question of What changes have occurred in the areas of addition or elimination of course offerings and faculty positions?

1) The data for the course offerings were practically the same as noted above. All 13 respondents to this question reported no changes--despite the fact that the respondents were not identical in the two data bases. Furthermore, in only one contract is there even a mention of workloads or course assignments.

2) The perceptions changed markedly when the respondents considered the effects collective bargaining has had on the elimination of positions when necessary.

Each contract calls for union involvement when a need for "retrenchment" or "reduction in force" arises. Prior to collective bargaining, this was largely, if not entirely, an administrative decision. Elimination had occurred when a contract expired, a position was no longer necessary, or a need for reassignment developed.

One basic union advocacy position in this area is that the administration must consult with the union, not on which faculty member is to be "retrenched," but on what department should be affected by retrenchment procedures. The majority of the respondents agreed that grievance procedures are the most prominent of the now established, formalized and specified personnel procedures that appear in all contracts. This action or protection against "capricious and arbitrary action by administrators" is reported by the respondents to be the major change brought about at these institutions resulting from collective bargaining.

CHAPTER V

SUMMARY AND CONCLUSIONS

Summary

The problem considered in this study was the nature of changes, if any, that have occurred in the role of the university president's office as a result of collective bargaining practices on the campuses of four-year public colleges and universities.

Two principal subcultures--academic and finance-management--emerge from the co-governance organizational pattern found on nearly all public four-year college or university campuses. In this connection, the problem statement was addressed through two "dimensional questions":

1) What happens to the role of the university president within a subculture over time: a) Does it become more or less involved in the academic subculture? b) Does it become more or less involved in the finance-management subculture?

2) In rank ordering the academic and finance-management subcultures, a) Which subculture was the office of the president more involved with prior to collective bargaining? b) Which was the office of the president more involved with following collective bargaining?

In order to collect pertinent data to analyze these questions, some 23 persons, including four presidents and one executive vice-president, were interviewed to seek evidence that would purportedly refute or verify a list of assumptions:

- 1) *The introduction of collective bargaining decreases the power of the president's office in shared governance.*

This assumption was not confirmed. The power of the president's office has generally increased in the three-year period of faculty unionism at the selected institutions. The office has gained administrative authority and management control, although not solely because of faculty unionism. The financial austerity of the states and universities have to some degree been responsible for this shift in power.

The only area where bargaining has chipped away at the president's power is in personnel actions. Even here, the loss of power has been confined essentially to two specific areas--awarding of merit increments and grievance procedures.

- 2) *The introduction of collective bargaining reduces the power of the president's office, since negotiations are primarily with agents of state government.*

Negotiations in four of the five institutions included in this study are carried out primarily with agents of the state government. However, since personnel matters are principally the only bargainable issues that have affected the power of the office of the president, the fact that the negotiations are primarily with agents of state governments has had little impact beyond those issues.

- 3) *The introduction of collective bargaining reduces the power of the president's office to influence the quality of the faculty, since faculty salaries, hiring and tenure are all determined through formalized procedures.*

This assumption was confirmed in general, since all three matters are now determined through formalized procedures. However, the loss of power by the office of the president was negligible in the hiring area because the presidents still retain what is essentially veto power over appointments.

The loss of power is evident in salaries and tenure, where unions have begun to exert their power in establishing salary structures and reducing administration influence in tenure. Salary minima and maxima are common as a result of collective bargaining. In addition, the president has less discretionary power in the awarding of merit increments. Less money is available for salary increases on a merit basis since more dollars go for across-the-board raises than for merit. This preference for

across-the-board raises results from the dominance of lower-level membership within the unions.

- 4) *The introduction of collective bargaining creates an adversary relationship between the president's office and faculty, since the president is part of management's negotiating team.*

This assumption was not confirmed. Faculty unionism has not created an adversary relationship between the president's office and the faculty at these institutions. However, an adversary relationship continues in the universities where that relationship existed prior to collective bargaining. The adversary relationship has not generally increased, but has become more distinct in some cases.

Conclusions

The evidence gathered in this study has been presented in the previous chapter and summarized above. Based on this new information, the following conclusions emerge:

--The frequency of input from the finance-management members of his administration to the office of the president has increased. His involvement with the academic members has remained the same, with no change in the degree of involvement with faculty standing or union committees. While union committees have replaced some of the faculty standing committees in personnel matters, the frequency of input from

the latter remains essentially unchanged. The situation is similar with the faculty senate in general, particularly in the strongest academic institutions. Evidence for this conclusion is supported by Ladd and Lipset (*Supra*, page 59), who report that faculty at the more elite academic institutions tend to restrict or resist the faculty union's impact because of the faculty's academic values.

--The union's input or influence in educational and institutional policies primarily consists of recommendations to and consultation with the "administrative family." As noted by Ladd and Lipset and Begin and Weinberg (*Supra*, pages 130 and 132 respectively), the union has had little or no influence on these policies--unless as a result of bargaining issues. Once again this characteristic is more pronounced at the strongest academic and largest institutions.

--While faculty unionism has reduced the power and authority of the president and his administration in personnel matters, an increase in the president's authority has resulted in most, if not all other areas (governance, management and educational policy) since the advent of collective bargaining. Less authority has been registered in tenure appointments and retrenchment in staff in particular, and the resultant financial inflexibility in these matters may affect the quality of the faculty. However, the authority to manage has become more pronounced as a result of the decreased appropriations (calculated on a per student or

per faculty basis) from the legislatures for the operation of the entire institution. Mason notes (*Supra*, page 5) that judgments pertaining to the balancing of academic needs with the realities of an institution's finance-management situation may well lie at the very heart of university governance.

--The rank ordering of the principal functional roles of the office of the president has not changed significantly as a result of collective bargaining. Although subordinates state that the president's office spends more time and places more emphasis on the budget, the presidents do not believe this to be true.

--Collective bargaining does not noticeably increase the normal adversarial relationship between the office of the president and the faculty.

--Collective bargaining most greatly affects the office of the president in grievance procedures and re-trenchment in staff. This generally results from more explicit, defined personnel policies which centralize procedures but decentralize authority. The president has lost flexibility in hiring faculty because of these changes and because salaries and increments are normally bargained. Such matters as salary structure are regulated to some degree by the state government.

From these results we can draw the following conclusions regarding the two dimensional questions addressed in this study:

1) The office of the university president becomes more involved in the finance-management subculture over a period of time when confronted with faculty unionism. His involvement in the academic subculture remains unchanged.

2) The president is more involved with the academic subculture before collective bargaining, and is involved equally with both subcultures after collective bargaining.

IMPLICATIONS

The implications of this study are drawn from the current trend of growth in the number of union contracts, their gradual pervasiveness in bargainable issues, and the role of the university president. For example, if the primary effect of collective bargaining on the university president's role to date is to force the president to give greater time to finance-management functions than to his academic responsibilities, then presidential selection committees may be well advised to place greater emphasis on a candidate's finance-management expertise and less on academic credentials. Such a change would in time diminish and perhaps eliminate the "dual role" now performed by the president as chief administrator and principal member of the faculty (Millett's "first among equals," *Supra*, page 90.

Furthermore, state governments may gradually assume a larger regulatory role in the operations of the university. As noted by Boyd (*Supra*, page 12), the tighter the purse

strings are drawn by the state legislature, the greater the erosion of the university's political autonomy. Some state legislatures already grant the faculty (public employees) the right to bargain collectively, authorize appropriations for state colleges and universities, establish or identify an agency of the government to act as the management's bargaining agent and determine salary levels for professors. What can one expect of the future? Will the institutions of higher education that bargain collectively, for instance, become an "arm" of the state government? Furthermore, the experience of some institutions in this study may be cause for concern. If support for academic needs other than faculty salaries is cut too precipitously, the academic excellence of these institutions will be jeopardized. The same may be true if collective bargaining drives the salary structure toward a "regression to the mean" at the expense of rewards for scholarly attainment.

Lastly, what happens to the role of the faculty union and the role of the office of the university president when the union can no longer demonstrate its effectiveness in the bargaining of personnel matters, since the first and most significant strides were made here? Will it turn as aggressively to the educational policy area? If so, perhaps one can infer what may happen by reviewing the shift in the personnel area. Indeed, one might expect a significant increase in the present level of the adversarial relationship

between faculty members and the president's office in particular and the administrative family in general.

RECOMMENDATIONS FOR FURTHER STUDY

A study similar in scope to the present one but using a different institutional base should be considered. For example, there are 28 existing contracts at private four-year colleges and universities. These institutions are in many cases smaller than those examined in the present study, and, therefore, might produce different findings. It seems that trustees and faculty department chairmen would be essential interviewees in such a study. The results of such a study might contribute significantly to corroborating or modifying the conclusions of the present work.

Further research should be conducted on the impact of legislative appropriations on the educational program of the university. For example, in what areas does a university reduce expenses to meet the increased budget requirements of negotiated salaries? Do the funds come from physical plant budget, supplies and equipment, or library acquisition funds? Does class size increase? What is the impact on program development? Are new educational programs approved by the legislature when no funds have been appropriated to support them? These questions are only briefly addressed in this study, because such considerations

bear more upon the effect collective bargaining is having on educational policy than upon the role of the university president.

Many experts predict a prolonged period of financial retrenchment for state-supported colleges and universities growing out of reduced enrollments and the unwillingness of legislatures to appropriate more funds. Assuming the accuracy of these predictions, there is an urgent need to examine thoroughly the relationship between the continuous rise in faculty salary and the ability of institutions of higher education to deliver on their primary goals of education and scholarship.

APPENDICES

APPENDIX I

CALENDAR YEAR	TOTAL	CONTRACTS		BARGAINING CONTRACTS BY UNITS										October 1, 1975			
		2-Year*	4-Year*	2-YEAR		AAUP		NEA		AFT		AAUP/NEA		AFT		4-YEAR	
				NEA	AFT	NEA	AFT	NEA	AFT	NEA	AFT	NEA	AFT	NEA	AFT	NEA/AFT	IND.
1966	2	2			1	1											
1967	8	7	1 (0,1)		2	3	1				1						
1968	7	6	1 (1,0)		2	2	1									1	
1969	26	4	2 (1,1)		1	4	4							1	1		
1970	33	7	6 (4,2)		1	6	3							2	1		1
1971	57	48	9 (5,4)		1	18	9							2	2	3	1
1972	97	78	19 (8,11)		1	35	21							6	2	5	3
1973	64	43	21 (11,10)		1	23	12							12	5	2	2
1974	77	54	23 (13,10)			27	12							10	7	2	2
**1975	32	20(19,1)	12 (3,9)		1	8	6							4	2	1	2
	403	307	94		6	126	73							36	19	1	13
																	6

* first column of nos. in () are public colleges, second column private

** Figures as of October 1, 1975

*** Above contract figures represent figures for all contracts signed, not "active" contracts as of October 1, 1975

Source: National Center for the Study of Collective Bargaining in Higher Education, Baruch College, City University of New York

APPENDIX II

October 1, 1975

277 INSTITUTIONS WITH BARGAINING AGENTS - 211 CONTRACTS

<u>ALL COLLEGES/ UNIVERSITIES</u>	<u>4-Year AGENTS</u>	<u>2-Year AGENTS</u>	<u>TOTAL AGENTS</u>	<u>4-Year CONTRACTS</u>	<u>2-Year CONTRACTS</u>	<u>TOTAL CONTRACTS</u>
AAUP	29 (13,16)	4 (2, 2)	33 (15,18)	22 (11,11)	2 (1, 1)	24 (12,12)
AAUP/AFT	1 (1, 0)	0 (0, 0)	1 (1, 0)	0 (0, 0)	0 (0, 0)	0 (0, 0)
AAUP/NEA	1 (1, 0)	1 (1, 0)	2 (2, 0)	1 (1, 0)	1 (1, 0)	2 (2, 0)
AFT	19 (10, 9)	50 (46, 4)	69 (56,13)	13 (7, 6)	40 (40, 0)	53 (47, 6)
AFT/NEA	9 (3, 6)	13 (13, 0)	22 (16, 6)	6 (1, 5)	11 (11, 0)	17 (12, 5)
INDEPENDENT	10 (3, 7)	30 (29, 1)	40 (32, 8)	6 (4, 2)	22 (22, 0)	28 (26, 2)
NEA	<u>28 (20, 8)</u> 97 (51,46)	<u>82 (80, 2)</u> 180 (171,9)	<u>110 (100,10)</u> 277 (222,55)	<u>18 (14, 4)</u> 66 (38,28)	<u>69 (68, 1)</u> 145 (143,2)	<u>87 (82, 5)</u> 211 (181,30)

194

Note: first column of nos. in ()
are public, second column
private

Source: National Center for the
Study of Collective Bargaining
in Higher Education, Baruch
College, City University of
New York

195

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Academic Collective Bargaining Information Service
Washington, D. C., Special Report #17, March 1977

APPENDIX IV

INTERVIEW GUIDE

I. Governance

- A. What happened to the frequency of input--direct or indirect--to the office of the president as a result of collective bargaining?
 - 1. Vice presidents or deans
 - 2. Department chairmen
 - 3. Academic Senate
 - 4. Faculty standing committees
 - 5. Union committees
- B. How has the establishment of collective bargaining effected the collective faculty's governance relationship with the office of the president?
 - 1. Bargaining agent's role in representing faculty
 - 2. Power and decision-making
 - 3. Educational policy
 - 4. Institutional policy
- C. What effect has collective bargaining had upon the president's opportunity for leadership with the following groups?
 - 1. Faculty
 - 2. Students
 - 3. Trustees
 - 4. Alumni
 - 5. Public
 - 6. Legislature

D. President's principal function--institutional leadership.

1. Rate the following tasks according to significance before and after collective bargaining.
 - a. Develop budget
 - b. Coordinate and evaluate educational programs and operations of institution
 - c. Plan for change and development
 - d. Mediate differences between faculty and outside constituencies/agencies (governing boards, public, legislature)

II. Management

- A. What changes have occurred in the areas of financial resources management as a result of collective bargaining?
 1. Legislative appropriations
 2. Budget allocations
 3. Salary determinations
- B. What changes have occurred as a result of collective bargaining in the relationship between the office of the president and the following?
 1. University
 2. Faculty

III. Personnel

- A. What effect has collective bargaining had on the office of the president in establishing the criteria and procedures for the following personnel actions?
 1. Appointment
 2. Promotion
 3. Tenure
 4. Merit
 5. Grievance

IV. Educational Policy

A. What changes have occurred in the following areas?

1. Course offerings

a. Additions

b. Eliminations

2. Resources shifted from department to department

a. Professors and funds

1) elimination

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