

Professors and instructors - Collective bargaining

EITHER/ OR? BOTH/ AND?

**COLLECTIVE BARGAINING
AND ACADEMIC SENATES**

by ERIC SOLOMON, San Francisco State University

with an introduction by
Arnold Mechanic, President
United Professors of California, AFL-CIO

and a commentary by
Charles C. Adams, Chairman
Statewide Academic Senate of the California State
University and Colleges

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San Jose, United Professors of California, May 1974

INTRODUCTION

In November 1973, the United Professors of California sponsored a conference in San Francisco entitled "The Future of Academic Government," with the avowed purpose of considering new models of collective bargaining for institutions of higher education.

One of the major task forces of the conference involved the future of academic senates under collective bargaining. A paper presented to this task force has provoked an unusual level of interest both during and since the conference. The paper titled "Either/Or? Both/And?: Collective Bargaining and Academic Senates" is by Eric Solomon, Professor of English at San Francisco State University. He is a former president of the faculty union on that campus, and has been elected chairman of the University's Academic Senate for 1974-75. Dr. Solomon's background indicates that he brings solid personal experience to bear on his topic; he was both a union leader and a senate leader during the most turbulent years at San Francisco State and he obviously has continued to play an active role in both arenas in more recent years. He also has taught at Ohio State and Stanford.

We are sure that you too will find this paper provocative. Following the paper is a commentary by Dr. Charles Adams, Chairman of the Statewide Academic Senate of the California State University and Colleges. Dr. Adams is a professor of English, presently on leave from California State University, Chico. He just has been re-elected to a third term as chairman of the statewide senate. Under his leadership, the senate has endorsed collective bargaining and has worked cooperatively and effectively with the faculty union in a number of successful efforts on behalf of the faculties of the 19 campuses. He served as the resource consultant to the task force for which the Solomon paper was prepared, and his perspective on the paper should be of considerable interest to all concerned with the future of governance in higher education.

We think Eric Solomon's paper is an important one. That is why we are making it available to all faculty of the California State University and Colleges, and to faculty union leaders throughout the United States. As we prepare for collective bargaining in the CSUC system and throughout higher education in the United States, we can expect to see this paper referred to again and again.

Arnold Mechanic, President
United Professors of California
May, 1974

EITHER/OR? BOTH/AND? COLLECTIVE BARGAINING AND ACADEMIC SENATES

By Eric Solomon

"Our business is not to contrast the two, but to reconcile them."—E. M. Forster

In 1958, the Ohio State University Faculty Council voted to forbid its football team to participate in the Rose Bowl. There were three results of this faculty action. The Administration repudiated the Faculty Council; the newspapers attacked, the students rioted, the citizens and legislature became enraged; after a few months the decision was overturned. The reasons given to the chastened Faculty Council for its failure to make stick what was considered on its part to be an academic decision were simple—money and politics. Money because football meant profit, and politics because the Faculty Council had no real power in the university, the community, or the state.

That was fifteen years ago. Fifteen minutes ago, from the time of this writing, the academic senate at California State University, San Francisco (formerly San Francisco State College: the senate did not have the power to resist the name change) saw its latest decision overturned when a new president, appointed by trustees over the opposition of the senate and its selection committee, arrived on the campus. The academic senate had been scrupulous in adhering to the rules of its advisory role in the selection process. The chancellor and trustees of the state system had been ruthless in ignoring faculty wishes and imposing a president. When asked by a television reporter what was the crucial educational problem of the 1970's, the new president responded simply: "Money." And the appointment of a conservative Republican administrator, by a Republican board of trustees, appointed by a Republican governor, set forth the other half of the formula: politics.

Money and politics, then, have for generations of college and university faculties posed the real problem for academic senates. Organized usually where faculties are too large or too disparate to make communal decisions à la Ivy League or European university models, academic senates have ideally provided the faculty a share in decision making through representative government. Too often in reality they have provided the faculty with exercises in futility through sandbox politics. At times, senates and councils have been successful. Given a benign administration, a relaxed political climate, a liberal community, a quiescent student body, a president uninterested in the day-to-day business of the institution, then academic senates have been able to contribute meaningfully to the making of academic policy.

Still, even a glance at the **Constitution of the Faculty of California State University, San Francisco** will show wherein lies the rub. Certainly, the academic senate may "formulate policies and procedures regarding:

- a. faculty and administrative appointments
- b. faculty promotions, dismissals, retentions, sabbaticals
- c. curriculum and instruction
- d. library and research
- e. student affairs, admissions
- f. business and fiscal matters
- g. campus development
- h. grievances over personnel, academic and professional matters
- i. other appropriate matters relating to the welfare and excellence of the university."

So far so good. The danger of quoting out of context is manifest, however, for I omitted the preamble: "The Academic Senate, **subject to established policies and regulations of the Legislature and the Trustees and subject to the concurrence of the President of the University**, shall formulate . . ."

(my emphasis)

In other words, when conditions are optimal, when enrollments are high, when jobs are plentiful, liberal arts and sciences honored, academic senates may flourish. What price academic senate decisions and faculty appointments when deans and vice presidents, working through the president, have ultimate authority? What price curriculum and instructional activities when the Finance Committee of the legislature provides a line item budget and the president (or chancellor) has veto power? What price becoming involved in grievance procedures when a politically ambitious president has final say about tenure decisions and grievance appeals? One could go on and on, but whether in California or Idaho, in private church schools or great land grant universities, faculty governance has always faced a dilemma. What price responsibility without authority? Power is granted by a force other than the faculty; therefore power can be removed by the same force.¹ Thus, "All Power to the Academic Senates!" is indeed a vain cry. In the real world of money and politics, as

¹Of course, academic senates in tax-supported institutions have a particular paradox with which to live: they demand freedom to make academic policy without interference from the taxpayers and legislators

academic senates' impotence during the student actions of the late 1960's showed most dramatically, faculty decision making groups can only decide what other forces allow. When students reacted angrily to the war (and grew their hair too long for the public), when Black and Chicano demands rocked the universities, faculty lost the ability to make crucial decisions. Present financial and enrollment stresses, administrative hegemony and an authoritarian and anti-intellectual tendency in the culture, as well as a glutted faculty market and emphasis on practical training—all make the mythical faculty power of the past even more questionable in important matters of educational policy. All of which brings us swiftly to collective bargaining.

II

"Take it easy, but **take it**."—Woody Guthrie

The attractiveness of collective bargaining in a situation where faculty has no genuine authority should be obvious. Most obviously, the loss of insignificant academic senates would be no real loss. By collective action, the faculty can identify itself as a coherent body with a clearly articulated set of needed employment conditions. By bargaining, the faculty can make lucid demands and negotiate a written contract, which will specify the senate's role and include the power to implement academic decisions. Therefore, in the best of all possible academic worlds, there will be an elimination of the

who pay the salaries of the academic senators and supply the money they are spending. The paradox is a bit less ironic for private schools where parents and alumni are the employers. As Huey Long, the benefactor of Louisiana State University, explained to his faculty: "You will find that you cannot do without politicians . . . the thing for the school people to do is that if the politicians are going to steal, make them steal for the schools." The Kingfish's logic, alas, is impeccable. Public education means the use of political means to direct public money into educational areas. Again, the harsh and cynical formula—education equals money plus politics. Since in reality education is always tied to politics and is used by those in power to train the population to support what exists, the true questions are: what are the values and goals that those in power strive to implement? And, mustn't the faculty have ultimate say in defining these goals? (Pie in the Sky.)

frustrating situation that has most often driven academic senates to the brink of madness. Under appropriate bargaining and contractual arrangements, no longer will faculty committees labor for months over programs only to have reports disappear into limbo, only to have a variety of higher authorities nibble away at curricula because of cost or public relations problems, only to become trapped between prerogatives that seem to belong to the faculty when a program planning commences and then become state or system held powers when action looms. In other words, an ideal labor-management situation for a college or university would involve not only an individual contract for each faculty member setting forth such (bread and butter) matters as salary, fringe benefits, leaves, office space, parking(!), but also a contract for the entire faculty dealing with (bread and roses) working conditions such as class size, teaching loads, academic freedoms and responsibilities.

To be sure, written contracts cannot guarantee Nirvana. The history of labor-management disputes shows that bargaining and contracts can lead to as much frustration and anger as any other form of negotiation. Still, certain special advantages might be gained for a faculty, particularly for working in a large institution in a large system.

For example, role confusion on a campus would be diminished. Is a chairman of a department a leader among his peers, or the lowest level of management? Is a dean a faculty member, so that decisions made by deans alone can still be interpreted as faculty decisions? Since sides are often drawn in an institution of higher education, but in a very fuzzy way, collective bargaining can properly define the roles of faculty, staff, students and administrators. ²

Further, collective negotiations would identify the employer, or at least set forth a composite group where final decisions are made. One of the minor tragedies—or comedies—of academic senate decisions being overturned is that a different employer's agent appears on the scene so often that senates are kept off balance, unable to prepare adequate arguments or positions. For example, a program—call it Geo-Ethnics, if you will—could be developed through

²Choices, often difficult ones, would be made. A teaching assistant might have to decide whether he or she is a student or a teacher; a faculty leader might choose to give up a deanship to become a

normal academic senate committee channels . . . then eliminated by one of many, many employing agencies. In California, such a program could be shot down, even if it gets through the campus administration; by the chancellor's staff; by the chancellor; by the trustees; by the Co-ordinating Council for Higher Education; by the Education Committee of the legislature (or by the Ways and Means Committee); by the governor. Collective bargaining would both bring the faculty together in a coherent organization and identify the employer, for **one** of the above agencies would have to appear at the bargaining table. And it would then be logical and practical to go directly to that agency when faculty rights or programs were abrogated by any other power group. Additionally, the faculty in what would resemble a union shop would speak with one voice and not easily be split into competing factions by clever administrators. With a legal contract, there would be clauses specifying what is to be done in case of disputes and grievances. Even if faculty members retain their traditional senses of individualism, the necessity of deciding contract provisions will force the development of serious and coherent positions.

For the most part, however, the attractions of collective bargaining are those which come with a true separation of powers. Academic senates that now have power delegated only as long as it is not actually used—how long would a senate have authority to deal with class size if it announced all classes were to be cut in half?—could apply their efforts to working through crucial intellectual and educational problems with the sense that the deliberations could have genuine influence on academic policy. By spelling out, in a contract, the powers of academic senates, authority would no longer be given and taken back; it would be negotiated and contractualized. Then senates could become serious and responsible, have more involvement, and help to bring

union vice president. It should be added that a further institutional clarification emanating from CB would be the separation of student from faculty needs. Much of the liberal pain of faculty caught in the double bind of desire for advancement and responsiveness to students could be assuaged if some faculty needs—say, a reasonable number of office hours per week—could openly be negotiated with student needs—say, daily rather than twice-weekly office hours.

about better teaching, research, working conditions. Faculty, often the best and brightest, who have refused to serve on senates and committees, could take on institutional responsibilities and feel that they were not wasting time better spent in teaching and the vitalization of an entire college or university. In another context, unionization could form a much-needed bridge between the campus and the community, where faculty might learn of the practical and educational needs of working people and where other unions might gain understanding of the seemingly esoteric needs of professors.

In sum, collective bargaining could give a faculty some real measure of control over working conditions, educational programs, and institutional development. Collective bargaining could create a true sense of faculty community. Collective bargaining could change the faculties' self-images and make them the equals of trustees and administrators. Why, then, don't faculties eagerly rush to embrace collective bargaining? In understanding faculty resistance to unionization, one can also comprehend why academic senates have most often been put forward as an alternative, a counterforce to teachers' unions.

While it is perhaps a canard to posit that college teachers are—as a group—among the most conservative of professionals, it is true that they are the sole body of trained persons who were not sufficiently desirous of change to take any of the variety of paths away from the setting in which they were trained. Unlike doctors, lawyers, or engineers, the professor has an elite image of himself as a special kind of professional in a special kind of institution. No matter how the state teachers' college may differ from the Universities of Paris or Oxford, the "Professor" of Design Industry, say, feels more akin to a Fellow of All Souls than to a high school shop teacher. It follows that an organization of fellow professors (such as the American Association of University Professors) confers status outside the institution commensurate with his self-image; equally, a council of fellow professors (such as the academic senate) satisfies his view of faculty self-governance inside the institution. The irony here is heavy. By insisting on a "professional" organization instead of a trade union, the academic leaves himself open to managerial humiliations clearly unprofessional in actuality. Yet to have real professional status—to decide as the doctor or lawyer a measure of his pay and working hours³—he would have to abandon the genteel facade and

organize on a working class model. Similarly union meetings and bargaining sessions carry none of the panache of faculty meetings and academic senate gatherings. Some faculty feel unions aren't as broadly representative as senates—a false issue, since faculty can join the union that negotiates their contract and thus make the bargaining unit as representative as the faculty.

Unionization also means to the liberal academic George Meany and Jimmy Hoffa, to the conservative professor—George Meany and Jimmy Hoffa. Unions connote politics, power politics. A union contract means that most precious of university professorial diamonds, tenure, may be replaced by that most mundane of employee rhinestones, a union contract. To some, unionization is a call for homogeneity, mediocrity, civil-service mentality, and time-serving. To others, unions imply radical crudities, strikes, violence. Granted this confusion of illusion and reality where workers and academics may seem an unmeetable twin. Granted that even those faculty leaders now joining unions may pay lip service to their better image of themselves by quoting a labor economist's sour remark, "Collective Bargaining is a lousy idea whose time has come." What we need **not** grant, however, is the assumption that under a process of collective negotiation and, furthermore, under a bargaining agent which is not AAUP, nor an academic senate, nor a strange amalgam of faculty organizations, but a real trade union—that the idea of faculty self-governance must somehow become tarnished. Certainly, a campus can exist with either an academic senate as the faculty voice or with a teachers' union as the faculty spokesman. There have been situations where the two organizations have been incompatible, and one has been forced out. Still, in a properly structured academic community both a union operating under a collective bargaining contract and an academic senate elected by the faculty can co-exist, not in a cold war atmosphere but simply with the union providing the "nuclear umbrella" for the academic senate. There is no other

³One might argue that doctors and lawyers are also often trapped in institutions and don't take easily to unions. One has only to listen to a law professor's mocking query to his colleague who teaches English to recognize the extra option too many faculty members lack: "Why don't you go into the private practice of English?"

way to face as equals trustees who respond only to money and politics. If concerns that faculty have tried to deal with through the deliberations of academic senates can be negotiated into contracts, faculty can gain true power, especially in the crucial areas of faculty rights and institutional budgets.

III

"Say neither Yea nor Nay, but take the middle way."—Herman Melville

One of the oldest paradoxes in the Western world has been posed by Christianity: one must lose one's life to save it. To move from the sublime to what may be the banal, we might suggest that the future of an academic senate under collective bargaining implies a similar loss and gain. Just as faculties, under collective bargaining, must relinquish some aspects of their educationally aristocratic views of themselves, so academic senates could no longer claim that only they "speak for the faculty." The union structure, its executive committee, its collective bargaining committee—will obviously also have claims to be the voice of the faculty. If the academic senate's voice has been merely a hollow boom (or faint squeak) in comparison to the ordered tone (or authoritarian command) of a president, then little really will be lost, particularly since "faculty power" has been doled out, to be set aside when stakes become high. And, as Christianity would have it, there is a life to gain; as Marxism would argue, there is a world to win.

What I am proposing, then, is that collective bargaining, with its components of a strong, broadly representative faculty union; solid support from organized labor both nationally and through a local central labor council, power emanating from the unity of locals organized throughout an entire educational system or, if suitable, through a coalition of local colleges; technical aid such as that afforded by economists, lobbyists, lawyers; all these can make the union the **action arm** of the faculty. The tough-minded realism of contract negotiation is necessary in an era of money and politics.

What will academic senates do in such a social order? What they are best qualified to accomplish: set educational and professional policy, deal with the **internal affairs** of the university or college, that is, teaching curriculum, and research. And different men and women on faculties will play different, more appropriate roles. The scholar-teacher uninterested in faculty governance may continue, as at present,

his research and classroom activities—with more support and less interference, hopefully. The professor interested in institutional change and growth as well as in his own work may deal with the true guts of the university, curriculum and program development, through his academic senate. The faculty member capable of and interested in political activity of a tough and continuing nature can work for the union, to gain from the outside forces of administration, trustees, and politicians the finances and freedoms necessary for a real measure of faculty self-governance.

Diagrammatically (and dramatically) the college governance might be envisioned as a circle, with the academic senate in the center, looking inward, dealing with substantive campus issues; the collective bargaining unit would be ranged about the circumference, facing outward, treating with the arrangements of budgets, working conditions, guarantees of academic freedoms and responsibilities. True, such a design may seem simplistic or paranoid. A vision of a college or university as a round ball afloat in a sea of enemies may remind of the horrific work of Sebastian Brant, but many students of the vagaries of academic senates would grant the truth, if not the beauty, of the image. As for the charge of oversimplification: possibilities of overlap, of conflict of interest, clearly exist between senates and unions. These areas might develop into self-destructive struggles, obviously; they might also mutually strengthen each group's ability to share real power. Clearly, we cannot assign each detail of faculty governance either to an academic senate or to a collective bargaining committee. Where, for example, should such curriculum and instructional matters as class size be handled? The academic senate can argue, properly, that this question refers to educational policy. With equal persuasiveness, a collective bargaining committee could hold that class size is a factor of financial support for the institution, as well as a matter of faculty working conditions, and thus must be an item for serious negotiation with the employer. Grievances over academic and professional matters? Traditionally, academic senate committees set standards of conduct; just as traditionally, in the crunch, administrators grasp the genuine power to make discipline decisions; who best can represent the faculty? Would a union simply defend a fraternal concept of complacent mediocrity, thus keeping discipline or retention decisions just as far from true

faculty consultation and standards of excellence as was the situation before collective bargaining? In other words, will an academic senate find itself fighting for its prerogatives against the bargaining agent as hard as previously against administrative ukases? Under the worst of all possible situations, the answer would be yes. But in a reasonable university, where real, not illusory power belongs to the faculty, sharing can take place. [Remember, E. E. Cummings reminded us, there's a helluva good universe(ity) next door.] The possible dream, then, is for an adjustment of activism. Just as the academic senate now often strives to play big brother to its Educational Policy, Academic Freedom, or Presidential Selection Committees—often with indifferent results—hopefully collective bargaining committees can succeed in bringing to actuality the decisions of academic senates. Decisions as to which group should have precedence over an educational matter would then fade into the realm of the merely academic, for there is no reason why both groups can't work together when their self-interest is mutual.

To quote the Elizabethan scholar Sir John Harrington, "If it prosper, none dare call it treason." If collective bargaining enhances the life and vitality of academic senates and true faculty governance, then none can accuse unionization of having betrayed the best interests and traditions of the academy. Collective bargaining can invigorate academic senates; academic senates can humanize collective bargaining. To paraphrase the contemporary scholar-activist John Gardner: "Let [faculty] regain the feeling that they as individuals or acting together have a chance to make the system work. That will bring back some confidence and some sense of being part of their own institutions." And Mr. Gardner states a proposition that might indicate unionization of college and university faculties to stand for the last best hope of both academic senates **and** collective bargaining. "When . . . [faculty] . . . begin to feel that they can have an impact on [academic] politics and [self] government, they're going to send better people into politics and government." As for the nation, so for the academy: . . . good people are going to have a better chance to survive in those accountable and responsive institutions. Money and politics may now be the operative phrases. Accountability and responsiveness are much better terms—and concepts. Collective bargaining **or** academic senates, No! Collective bargaining **and** academic senates, Yes!

Commentary by
Charles C. Adams, Chairman, Academic Senate of the
California State University and Colleges

Eric Solomon's article is both useful and thought provoking. He suggests that academic senates can have a role in the collective bargaining context, and he attempts to delineate that role while calling attention to potential areas of conflict between senates and collective bargaining committees.

The first of the three major sections of the essay asserts that academic senates traditionally have no real power and that this lack of authority becomes obvious in times of stress. Of the three supporting examples Solomon provides, his allusion to the text of the San Francisco State University constitution is the most convincing. It underscores the fact that academic senates typically have a delegated function of formulating policy recommendations; such recommendations may be rejected or ignored and the delegation may be summarily withdrawn. Hence, for example, we observe in the California State University system extreme variations in the roles of academic senates from campus to campus and from issue to issue. Whether or not a local campus senate thrives depends almost entirely on the willingness of the local administration, and particularly the campus president, to allow the senate a meaningful role. Similarly, the systemwide senate is consulted more or less, and heeded or not, pretty much on the basis of individual issues. Normally, when trustees, chancellor's staff, or the Chancellor's Council of Presidents have a high degree of interest in a matter and disagree with the senate, the senate's vulnerability becomes evident. In recent months, however, alliances with the trustees, the state legislature, and/or independent faculty organizations have given the systemwide senate considerable muscle in dealing with administrative power.

Two of Solomon's examples, references to the 1973 presidential selection process at San Francisco and the nearly universal times of trouble on campuses in the late 1960's, do not directly illustrate weaknesses intrinsic in senate structures. The former is contaminated by some local peccadillos and the latter portrays the shortcomings of the entire academy, not to say the whole society, in the face of extraordinary social upheaval.

Nevertheless, in spite of the questionable application of one or two of his illustrations and the fact that some senates are learning to make alliances which give them some measure of stable influence, Solomon's fundamental conclusion as to the typical weakness of academic senates is irrefutable.

Section II makes clearly the point that collective bargaining has considerable potential for clarifying and defining roles of constituencies and sources of authority which effect the faculty's economic and professional welfare. One of the most vexatious sources of governance problems in the California State University system and its milieu is the multiplicity of elements in decision making and the confusion of their relative functions. The bargaining table is itself symbolic of the focus and definition of roles now so manifestly missing in our attempts to reach decisions. Bargaining legislation and contracts, Solomon cogently argues, will spell out the powers of senates and thus rescue them from their traditional residence in limbo.

This second major subdivision is in my judgment the strongest and potentially most productive movement in the essay. It demonstrates how the mechanisms of collective negotiation can provide a "nuclear umbrella" for senates by defining and underwriting their role. Thus Solomon touts collective bargaining as having the capacity to address the two central weaknesses of the typical senate—its lack of a clearly defined role and any real charter in decision making.

Solomon's last major subdivision attempts to sketch a workable arrangement by means of which the functions of the collective bargaining agent and those of an academic senate can be so adjusted as to minimize conflict. The basic concept developed in this section is practical and powerful, though it may require further clarification and development. At times Solomon seems to allocate to the senate the formulation and articulation of faculty positions, without limitation as to subject, and to the collective bargaining agent the achievement of as much of senate requests as possible at the table. Consistent with this is his "internal-external" dichotomy, in which senates are largely internal and agents external. Hence, one gets the picture of senate-internal-policy formulation and agent-external-realization. But at other times Solomon appears to be thinking of a senate role somewhat exclusively in terms of educational policy. As a consequence, what appears at first

to be an intriguing and perhaps workable distinction between policy formulation and policy implementation is blurred, and the persistent problem of disentangling the educational, personnel, and fiscal threads remains.

Perhaps Solomon is considering the academic senate too strictly in traditional terms. His idea of a faculty representative group may be most fully realized in a new structure with a new charter. One possibility is a "faculty assembly" which represents the membership of the bargaining unit, established and financially supported for the purpose of discovering and expressing faculty ideas and desires regarding fiscal and personnel matters as well as educational policy. The role of the agent's collective bargaining committee could then be that of an "action arm," to achieve as much as possible of the faculty request in those negotiating arenas where final decisions are hammered out. Such a delineation of roles could alleviate a rather pervasive faculty anxiety that agency professionals, who may not be academically oriented, could determine both principles and procedures in bargaining.

Another possibility, not necessarily preclusive of the arrangement just described, is the establishment of a "continuing concerns committee," the membership of which could include other than faculty, and which could be jointly supported by administration and faculty agents, to identify and discuss issues on a continual basis between contract negotiation periods. This, incidentally, may provide an *entré* for students into the substance, rather than the process, of negotiation.

The Solomon paper, though it leaves room for further development in detail, moves for and well toward a workable relationship between a faculty representative body and the faculty agent in collective bargaining.

May 8, 1974

ACKNOWLEDGMENT

The United Professors of California is affiliated with the American Federation of Teachers, the California Federation of Teachers, and the California Labor Federation, AFL-CIO. These groups all participated actively in the sponsorship of the conference for which the material in this monograph was prepared.





United Professors of California
230 South 10th Street
San Jose, California 95112