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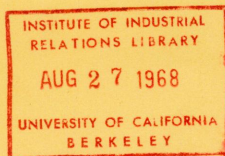
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Collective Bargaining and Academic Governance: The Case of The California State Colleges

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COLLECTIVE BARGAINING AND ACADEMIC GOVERNANCE:
THE CASE OF THE CALIFORNIA STATE COLLEGES

by

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FOREWORD

The purpose of "Collective Bargaining and Academic Governance: The Case of the California State Colleges" is to present alternatives for faculty participation in the conduct of American higher education. Hopefully this analysis will prove helpful to participants in a variety of educational systems facing problems similar to those of the California State Colleges. If it stimulates others to consider alternatives critically and if it brings greater clarity to their disputes, it will have served its purpose.

This study is intended primarily for an audience external to the California State Colleges, and it underplays factors unique to these colleges. Thus I have deliberately avoided most issues relating directly to the competence and integrity of particular persons. For example, several of my associates have argued that a faculty senate arrangement would abstractly be superior to collective bargaining, but that this or that individual's attitudes will not permit the senates to flourish. Idiosyncratic factors may prove crucial in determining the final resolution of the collective bargaining question in the California State Colleges; however, at present those of us within the state colleges lack perspective in evaluating such factors and our judgment is further hampered by constant barrages of charges and countercharges.

I am perhaps in a somewhat unique position to describe the issues concerning faculty representation in the state colleges. I have served as a member of the Academic Senate of the California State Colleges and of the Senate of San Diego State College and have been a chapter officer in the Association of California State College Professors. Most recently I participated in the drafting of a legislative proposal for collective negotiations to be presented by the California State Employees' Association, and I have acted as a consultant to the Chancellor's Committee on Delegation of Authority within the California State Colleges. These experiences have been supplemented by my academic interest in public personnel administration and by service as an economic consultant in labor relations to the California Nurses' Association.

I wish to acknowledge the helpful criticisms of an earlier draft made, in particular, by Robert Barckley, W. Richard Bigger, Robert Phelps, William Tidwell and Robert Wilcox. However, in no way do they share with me the responsibility for the views presented.

HAROLD H. HAAK

I. THE CALIFORNIA STATE COLLEGES: BACKGROUND

The growth of "collective bargaining" as a pattern of employee-management relations in public and non-profit institutions has had a profound impact on the administration of many hospitals, welfare agencies, school districts, cities, and other segments of employment with little history of labor negotiations, impasse procedures, sanctions, and master contracts. Perhaps the most significant gains of the collective bargaining movement have been made in education, especially among teachers in the metropolitan school districts of the East and Midwest. The great growth of the American Federation of Teachers (AFL-CIO), or AFT, testifies to this development. In 1961, the year in which it won its historic recognition as the bargaining agent for teachers in New York City, AFT had 70,821 members.¹ In 1967, it claimed more than 140,000 members.² In the meantime, the National Education Association has supported more militant stances by its affiliates.

The collective bargaining movement and teacher militancy has spread from the high schools to the elementary schools and the junior colleges. American universities and four-year colleges will not be untouched by these forces. Myron Lieberman has argued that professors in our colleges and universities have failed to meet their obligation to lead in the development of the teaching profession and that teachers generally have suffered from this failure.³ Now it appears that the initiative has passed to the rank-and-file teachers in educational systems below the four-year college or the university. This movement will reach the pinnacles of higher education and perhaps will shake the ivory from its towers. Already the faculties of the California State Colleges and the City University of New York find themselves the targets of concerted organizing drives led by the AFT. In May, 1967, the faculty of the California State Colleges narrowly rejected collective bargaining--2,741 votes to 3,016 votes (8,496 ballots were distributed)--in a referendum sponsored by that system's statewide academic senate.⁴ However, the battle is not over in California. Many other colleges and universities, particularly those emerging from "teachers' colleges" to university status, either are or soon will be targets. In each case, the faculty, administrators, and trustees of these colleges and universities will be torn by questions relating to the proper role and mode of faculty participation in institutional governance, and they will find that the alternatives are many. The great unifying symbols of the "academic community" and the "community of scholars" are under attack. It is important that we learn more about the nature of this attack--its promise as well as its possible pitfalls. A consideration of alternatives before higher education is a first step toward such an understanding. The discussion which follows seeks to clarify and analyze these alternatives as they have presented themselves in the volatile environment of the California State Colleges.

The California State Colleges

Why has the California State College system become a battle-

ground in the collective bargaining movement? The answer, in part, lies in the nature of its decision-making structure as that structure contributes to faculty unrest. The nineteen state colleges, which in Fall, 1967, enrolled 145,362 full-time students (43,837 part-time),⁵ comprise one of the largest systems of higher education in the world. The complexity of the system makes difficult effective decision-making on the individual campuses and contributes to a bureaucratic tone throughout the colleges. The faculty and its collegial groups--departments, faculty committees, senates, etc.--are often distant from the locus of real decision-making power. Such power may be lodged in the central office (the Chancellor's Office) of the system, in the Board of Trustees, in the Department of Finance, the Governor's Office, or the legislature. In addition, the Coordinating Council on Higher Education, an advisory body to the legislature with representatives from the general public and from public and private higher education, plays an important role in the development of policy for higher education and the allocation of resources among its segments.

Given the pluralistic nature of American politics, in California as elsewhere, the necessary confusion implicit in such a decision-making structure also mitigates against productive faculty participation in academic governance. As will be argued later, an appeal of collective bargaining for the faculty is that it would, in effect, simplify such faculty participation by forcing the governmental system to concentrate effective decision-making authority in the hands of a single management representative.

Many faculty members are also deeply disturbed by the implications of California's Master Plan for Higher Education established by the Donohoe Higher Education Act of 1960. The existence of an externally imposed master plan for higher education, especially in the case of such a multi-campus system, limits the participation of local campuses and of faculty in decision-making because the governing board and/or central office must retain sufficient authority to assure campus compliance with the master plan. But the attack on the master plan is more concerned with the role it assigns to the state colleges than with its implications for the structure of decision-making. At the time of its passage, the Donohoe Act was viewed by some as an emancipation of the state colleges from their former role as "teachers' colleges". The statute defines the primary function of the state colleges as "the provision of instruction for undergraduate and graduate students, through the master's degree, in the liberal arts and sciences, in applied fields, and in the professions."⁶ Faculty research is authorized only to the extent that it is consistent with this primary function. Doctoral degrees may only be awarded jointly with the University of California. Today it is charged that the Master Plan relegates the state colleges to an inferior position compared to the University of California, places arbitrary limits on their potentialities by denying them the possibility of university status, and makes difficult support for research. These problems are especially acute due to the impact of many new faculty members recruited to meet rapidly rising enrollments, who reflect more closely the publication norms of graduate education and who are greatly concerned about their professional responsibility to scholarship and research.

/ Inadequate fiscal support is another acute problem of the California State Colleges, as is the case in other segments of public education. A member of the Board of Trustees has stated: "The principal condition that exists is that this system is underfinanced and that [it] is underfinanced by the people of the State of California in the last analysis ..."⁷ The various professional organizations representing faculty opinion have likewise cited the inadequate level of fiscal support as a major problem. There appears to be general agreement within the state colleges that considerable funds are needed to reduce the faculty's teaching load (generally 12 units or four courses per semester), to provide additional secretarial assistance, to increase salaries, to improve office facilities, to promote faculty research, and so forth.⁸ Unrest within the state colleges has been exacerbated by the stance of Governor Ronald Reagan, who entered office deeply committed to preventing increases in the state budget, including that portion allocated to higher education. At a time of rising economic expectations nationally among faculty members, California has adopted a "hold the line" attitude.

In part, the fiscal difficulties of the state colleges in recent years are due to an enormous expansion in enrollment necessitating large budgetary increases merely to keep pace with the growth in student population. In Fall, 1961, the total enrollment of the state colleges was 105,987 individual students (of which 41,888 were part-time),⁹ compared to the 189,199 students (of which only 43,837 were part-time) enrolled in 1967. The year 1961 was selected for comparison because it was the year in which the state colleges were separated from the State Department of Education and placed under a separate Board of Trustees. Thus the state colleges have had to cope simultaneously with burgeoning enrollments, inadequate funding, and embryonic administrative procedures and relationships.

Most recently the California State Colleges and the University of California have come under determined attack from community forces disturbed by the role of higher education as an agent of criticism and change as well as by rising costs. W. Richard Bigger has summarized the disadvantages of the state colleges as they seek to cope with such pressures and to develop a base of support:¹⁰ The colleges have few traditions of academic excellence and few alumni in positions of influence in the community. Their Board of Trustees has "apparently not developed the same aggressive and protective attitude toward college affairs as have the Regents toward the University."¹¹ The central administrative office of the colleges is small, finds it difficult to coordinate the college system, and has been unable to develop an effective promotion or image-building program. Likewise the individual colleges have not developed extensive community relations programs. The colleges have few financial resources other than those provided by legislative appropriations. The colleges differ on goals; the faculty is divided into competing organizations; and the faculty organizations are "often at loggerheads with administration."¹²

The state colleges contrast sharply with the University of California, which has great prestige, prominent graduates, and a well-organized alumni. The university is led by powerful Regents who have been historically protective of the university. Moreover, a large

portion of the university's income is derived from sources other than legislative appropriations.¹³ Compared to the University of California, the relative deprivation of the state colleges is great, and the presence in California of perhaps the greatest public university in the world undoubtedly complicates the problems of the state colleges.

Academic Senates

Faculty members of the California State Colleges are not without present avenues for expressing their dissatisfactions or for participating in institutional governance. They are represented through a system of academic senates and through no less than five external associations active system-wide: the American Association of University Professors (AAUP), the Association of California State College Professors (ACSCP), the American Federation of Teachers (AFT), the California College and University Faculty Association (CCUFA), and the California State Employees' Association (CSEA). The external associations, moreover, are able to attract many adherents because, typically, a faculty member finds it propitious to secure health insurance and life insurance through association-sponsored group plans, to which the State makes an employer's contribution.

PAYROLL DEDUCTION MEMBERS OF FACULTY ORGANIZATIONS*

	<u>ACSCP</u>	<u>AFT</u>	<u>CCUFA</u>	<u>CSEA**</u>
October, 1966	2,583	852	801	1,432
October, 1967	2,760	1,127	996	1,492
January, 1968	2,882	1,417	1,086	1,554

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total?

*AAUP does not utilize payroll deductions. Until recently, when it sponsored a term life insurance program, it also offered no group insurance policies.

**Total of all members, including any not under payroll deductions, in five state college chapters containing only faculty ("academic") members. Other CSEA chapters contain both faculty and support service ("nonacademic") employees. A CSEA survey in May, 1966, estimated 3,735 faculty members belong to 18 state college chapters. As of January, 1968, CSEA estimated its state college faculty membership at 4,030.

SOURCE: William L. Tidwell, Consultant, State College Affairs, California State Employees' Association. Payroll deduction figures released by the state controller's office.

The alternatives before the faculty are basically to continue a primary reliance on intra-institutional representation through senates, to rely primarily on an external association (especially through collective

bargaining), or to seek a viable arrangement in which both the internal and the external bodies play important and compatible roles.

Recognizing the criticism of faculty members that they had played a minimal role in policy development while the state colleges were under the State Board of Education, the Board of Trustees in early 1961 resolved "that a representative faculty body be established at each State College for the purpose of participating in the determination of educational and professional policy."¹⁴ In March, 1963, the Board of Trustees also approved a constitution for a state-wide academic senate to represent faculty interests. This constitution had been developed during the preceding year by representatives from the Chancellor's Office, the college presidents, and the faculty. In February, 1963, --of 3,312 faculty members voting (54% of the total) in a secret ballot election--2,939 (88.7%) voted to approve the proposed constitution.¹⁵

The following description of senates is based on an analysis of the state-wide senate's constitution and on a statistical summary of the local senate constitutions prepared by the faculty affairs committee of the state-wide senate in 1967. The committee had access to 14 of 18 local senate constitutions. (The local senates are labeled variously as academic councils, academic senates, faculty councils, faculty senates, representative assemblies, or senates.)

Except in one case, the local senate constitutions stipulate that the major power of the faculty is to "formulate, evaluate, and recommend to the President all academic, personnel, and professional, (educational policies) [sic] policies of concern to the general welfare of the college."¹⁶ Each constitution also stipulates that such faculty authority must be exercised within the framework of state law and of the edicts of the Board of Trustees and chancellor of the state colleges. The senates are generally allocated the same authority and responsibility as are delegated to the faculty as a whole.

Some local senates have fixed memberships ranging from 28 to 50 members. Others have variable memberships (e.g., one member for every ten members of a school or division within the college). At San Francisco State College all members of the senate are elected by the faculty. The other senates include the president of the college as an ex officio member and usually include the major deans and other administrators. Two to one is most common ratio of elected faculty members to ex officio administrators.

The Academic Senate of the California State Colleges (or state-wide academic senate) is "the official voice of the faculties of the California State Colleges in matters of system-wide concern."¹⁷ It makes recommendations on system-wide policies and all such recommendations must be addressed to or through the chancellor. Moreover, the state-wide senate has no authority over matters delegated to the individual colleges by the chancellor or the Board of Trustees. The state-wide academic senate is perhaps unique among such bodies in that its executive committee is assigned a table at meetings of the Board of Trustees and is granted speaking privileges at such meetings. State-wide academic senators are elected by the faculty members at

each college. The faculty is defined as "all personnel at the college with full-time assignments in teaching, research, administration and other activities closely related to the educational program, or a combination of these."¹⁸ The local academic senates determine which offices or positions are closely related to the college's educational program. The colleges, depending on their size, elect from two to four state-wide senators, and the chancellor (or his representative) is the sole ex officio member.

What are the reasons for the establishment of senates representing faculty viewpoints? Their establishment preceded the collective bargaining movement in the state colleges and their rationale goes deeper than a desire merely to appease faculty members in order to avoid collective bargaining. The senates appear fundamentally to be based on a recognition that the most important functions of a college--teaching and research--must of necessity be left primarily to the discretion of the faculty and that it is desirable to maximize the faculty's contribution to the development of college policies. Judgments concerning curriculum, course materials, methods of instruction, research topics, and so forth, are to be made by faculty members committed to the academic values of their respective disciplines. Faculty members are asked to participate in the development of educational policy through senates because their judgment is critical in the evaluation of such policy. The senate device is intra-institutional because, if functioning as intended, it is of primary value to the entire institution, not peculiarly to faculty members.

This same philosophy dictates that faculty members also play vital intra-institutional roles in the development of their personnel policies, in the judgment of their colleagues, the formulation of the budget, and the physical development of the campus. Faculty participation in the development of personnel policies is justified because of the faculty's professionalism (its legitimate claims for self-control) and because of the intimate relationship between such policies and the attainment of educational aims, which are the principal domain of the faculty. The faculty is further viewed as having the chief competence in the judgment of colleagues and faculty recommendations are to carry great weight in decisions relating to appointment, tenure, promotion, and the discipline of faculty members. The faculty should participate in budgeting and campus planning to assure that these matters are well articulated with educational policies. Such are the goals for faculty participation through senates, but these goals are yet to be attained throughout the California State Colleges.

The collective bargaining movement has exacerbated certain strains implicit in faculty participation in institutional governance through senates. The senate model is dependent on the willingness of the faculty, administrators, and Board of Trustees to share authority and exercise restraint and patience in their joint endeavors. Such an arrangement, if it is to work well, demands great good will and mutual understanding. Administrators or the trustees can make the system unworkable if they are arbitrary, jealous of their authority, and quick to remind faculty members that they are employees as well as professionals. On the other hand, many faculty members have a pro-

pensity to focus all of their dissatisfactions on administrators and to view administrators as the enemy, as harbingers of hierarchy rather than collegiality, and as inferiors performing functions of secondary consequence for education. The collective bargaining movement envisions, generally, an adversary relationship between the faculty and the Board of Trustees and administrators of the colleges. It often appears to emphasize the discords and differences in their interests and makes difficult the attainment of the subtle arrangements which must characterize faculty-administration relations if senates are to perform as intended.

In addition, adherents of collective bargaining, who tend to be faculty activists, become elected to the senates. The formal subjection of the senates to chief administrative officers is emphasized. Administrators fear being candid with the senates because their comments are likely to be reported unfavorably to the general faculty. "Conservative" faculty members, willing to accommodate the administrators, may be attacked as the tools of administrators or as enemies of true faculty autonomy and independence; they may counterattack with charges that the adherents of collective bargaining are "unprofessional," lacking in commitment to institutional values, and so forth. Frequently senate politics becomes, to some, uncompromising and ideological--or, in the view of others, "principled".

Perhaps the entire system of senates is structurally unsound. Should collective bargaining or some other alternative be adopted? The alternatives before the California State Colleges--presented by the various faculty organizations--are several.

II. ALTERNATIVES FOR FACULTY REPRESENTATION

Each of the faculty organizations active in the California State Colleges has expressed a viewpoint concerning the proper mode for the representation of faculty interests. AAUP, CCUFA, and CSEA generally support a dominant role for the academic senates. ACSCP has developed its own unique version of "collective bargaining", while AFT has embraced a collective bargaining model more typical of those found elsewhere in public employment. Summaries of their various positions are presented below in alphabetical order.

AAUP: Shared Authority and Senates

The American Association of University Professors (AAUP) desires cooperation and a united effort among faculty, students, administrators, and the Board of Trustees. In the state colleges, it subscribes to a position consistent with the Statement on Government of Colleges and Universities endorsed by AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. This statement "emphasizes the values of constructive cooperation, but it also assigns primary responsibility to the faculty in many areas, including curriculum matters, research, appointments, promotions, tenure decisions, and dismissals."¹⁹

AAUP supports the state-wide and local academic senates as the agents for effective faculty participation in the governance of the state colleges and seeks additional resources for these senates. In fact, it appears likely that AAUP's position has supplied the general rationale for the senate arrangement in the state colleges. The senates "are and ought to be the primary agencies for faculty decision, in all matters of concern to the faculty,"²⁰ rather than external or unofficial organizations such as the AAUP:²¹

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.

The external faculty organizations can generate ideas to be considered by the academic senates and act as critics of senate actions. Also they can lend the senates invaluable support before the legislature. AAUP recommends that state-wide and local senates regularly consult with the independent faculty organizations to promote faculty unity and to ensure broad support for senate positions. The possibility that each local senate establish an "Economic Affairs Committee", including the independent faculty organizations, is also suggested by AAUP.²²

AAUP rejects collective bargaining, the strike as an appropriate weapon in the academic community, the use of implied or actual sanctions, the possibility of a viable distinction between educational and economic matters, and an adversary relationship between the faculty of the state colleges and the Board of Trustees.²³ In addition, AAUP argues that under collective bargaining the role of the Trustees would change in that they would have to seek the best contract terms from the viewpoint of the state rather than emphasizing the attainment of goals which they hold in common with the faculty.²⁴

Of course AAUP does not deny in all educational situations the desirability of combat or of an adversary relationship:²⁵

In extraordinary circumstances, where academic freedom or tenure has been denied for example, an adversary relationship may become inevitable. Such situations, however, may lead to censure, and even to loss of accreditation. They are not normal situations, and we see no justification for normalizing an adversary relationship in higher education. If anything, there is a point to the supposition that higher education should seek ways to reduce the areas of adversary relationships in the wider community, rather than

adopt such relationships itself.

Moreover, power tactics, such as the strike, are "in sharp conflict with the pattern of study and conversation that constitutes the long-established way of conducting the chief business of a scholar's life."²⁶

If faculty members do not have an effective means to participate in institutional governance, AAUP argues, then possibly collective bargaining may be a viable alternative, but such is not the case in the state colleges because of the growing effectiveness of the academic senates.²⁷

ACSCP: Senates and a Collective Bargaining Agent

The Association of California State College Professors (ACSCP) holds that "presumably there are no professional and educational commitments of the faculties which are incompatible with the educational institution as such,"²⁸ and rejects the adversary model of collective bargaining because in the areas of their professional competence faculty members need to enjoy self-government.²⁹ ACSCP has thus developed its own version of "collective bargaining".

ACSCP seeks for the faculties of the state colleges legislative authority, or discretionary powers, to determine academic, educational, and personnel policies and substantial advisory powers in the budget process and campus and building planning. Administrators are to provide imaginative and creative leadership for faculty policy-making. "Administrators are to be regarded neither as glorified clerks nor as authority figures or employers."³⁰ They are to be elected from faculty ranks for stated terms and to serve at the pleasure of the faculty.³¹

ACSCP holds that the Board of Trustees should limit itself to representing the colleges and faculties before the legislature and the community and to facilitating the attainment of goals determined by the colleges and their faculties. The Trustees "are not competent to determine educational policy; they are not competent to define educational goals; they are not competent to 'govern the colleges.'... No group stands subservient to another group; the faculty are to be self-governing. 'If the people (faculty) are the rules, who then are the ruled?' Answer: No one."³²

The ACSCP model of "collective bargaining" calls for the establishment of state-wide and local academic senates which are proportionally representative of the number of faculty members at each rank and which are vested with the faculty's legislative or discretionary authority. If elected exclusive bargaining agent, an independent faculty organization, such as ACSCP, would then act as "the sanction arm or instrument of the self-governing faculty body." It would take its bargaining goals from the senates and devise sanctions in consultation with the faculty (senates?), but it would not be a "separate repository of authority."³³ ACSCP argues that "collective bargaining agencies which are removed from the normal faculty governmental structures would tend to establish dual and ultimately competing, if not contradictory, centers of faculty judgment and authority."³⁴ A

coalition bargaining agency, rather than an exclusive agent, is possible under the ACSCP model, but it is not recommended by ACSCP because of its potential divisiveness.³⁵

ACSCP does not embrace any particular sanction, such as the strike. Indeed it calls for "all effective means which are compatible with professionally and educationally admissible ends-in-view."³⁶ A strike, for example, may be called if the faculty of the state colleges decides that it is compatible with ends they seek and that it is necessary to achieve these ends.³⁷

ACSCP recognizes that many actors make vital decisions relating to the state colleges (e.g., the Board of Trustees, the Coordinating Council on Higher Education, and the legislature) and would bargain with them piecemeal, depending upon which of them must make a crucial decision relating to a particular faculty goal.³⁸ Bargaining would include non-economic as well as economic issues because, ACSCP holds, the two cannot be separated.³⁹

The question of a written contract's desirability is left to subsequent determination by the faculties. ACSCP also suggests that administrators be excluded from bargaining units unless such administrators have been elected by faculty members, or their representative, and hold office at the pleasure of the faculty members in their respective departments, divisions, schools, or colleges.⁴⁰

The above discussion of ACSCP's model of "collective bargaining" is based on ACSCP's contribution to the Issues and Answers on Collective Bargaining booklet published by the state-wide academic senate in the spring of 1967. ACSCP has adopted a somewhat different stance in supporting the actions of its San Francisco State College Chapter. Furthermore, in November, 1967, it also proposed a "concerted action" program specifically to reduce the teaching load in the California State Colleges.

In the spring of 1965, the AFT circulated a petition on the San Francisco State College (SFSC) campus calling for a collective bargaining election. This petition was signed by 65% of the SFSC faculty. In October, 1966, the local academic senate conducted a poll in which 313 faculty members (of about 1,000) voted in favor of collective bargaining, while 139 voted against it. That October the local senate conducted another election to select a bargaining agent. The AFT gained 226 votes; ACSCP had 217 votes; and 168 votes were cast for "no agent." In November, 1966, ACSCP won a run-off election, with 351 votes compared to 289 votes for AFT. (In the May, 1967, referendum on collective bargaining conducted by the state-wide academic senate, the SFSC faculty voted 333-170 in favor of collective bargaining.)⁴¹

In June and July, 1967, ACSCP requested the Board of Trustees to meet with ACSCP representatives for the purpose of negotiating a contract for SFSC faculty.⁴² The Chancellor of the California State Colleges, at the direction of the Trustees, responded negatively to ACSCP's requests. On September 20, 1967, the Faculty and Staff Affairs Committee of the Board of Trustees discussed collective bargaining and

received another request from the Executive Secretary of ACSCP for recognition of ACSCP as a bargaining agent.⁴³ In its meeting on October 26, 1967, the Board of Trustees, by a 14-2 vote, declined to meet with ACSCP to negotiate a collective bargaining agreement and also rejected ACSCP and AFT requests for elections to be held under the authority of the Board of Trustees for the purpose of selecting an exclusive bargaining agent.⁴⁴

1
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infer"

ACSCP in the case of San Francisco State College has thus adopted a more traditional collective bargaining stance as it seeks recognition as the faculty's exclusive bargaining agent in order to negotiate a written contract with the Board of Trustees as the employer. A draft of the proposed contract has been circulated by ACSCP's Executive Committee. The contract asks the Board of Trustees to recognize ACSCP as the sole bargaining agent of the SFSC faculty. Teaching assistants, regular non-academic personnel, members of the president's regular staff, and persons in, or directly under, the office of the president are to be excluded from the bargaining or contract unit. Decisions relating to faculty appointments, retention, tenure, promotion, disciplinary action, and educational policy would be determined by duly authorized faculty agencies. The president, vice president, deans, and associate deans may be hired, retained, or separated only with the advice and consent of the faculty. Grievances arising under the contract would be settled through binding arbitration by a five-member panel (two persons representing each party and these four selecting a fifth to serve as chairman).

The contract, of course, contains numerous other provisions relating to salaries (e.g., a 30.5% increase over two years) and working conditions (e.g., reduction of the normal teaching load from 12 semester units to nine). The proposed contract is designed to be a basis for negotiations with the Board of Trustees and to embody the ideals and goals of the SFSC faculty.⁴⁵

In November, 1967, the Executive Committee of the State Council of ACSCP also distributed to the faculty of the state colleges "a proposal for concerted action to reduce the teaching load." (An ACSCP questionnaire had indicated that teaching load is the major source of faculty dissatisfaction after salaries.) The proposal states: "The means and the procedures proposed call for rational application by faculty of power which is, and only can be, theirs. They call for the highest abilities and courage which the faculty possess. They place demands upon the governing authorities of California for ability and courage which we hope they possess."⁴⁶

The Executive Committee of ACSCP has outlined four "concerted action options":

1. refusal of academic departments to admit new students to masters' degree programs;
2. refusal by faculty to schedule graduate level courses;

3. scheduling by academic departments of nine units per individual faculty member or an average of nine units among faculty members in each department; or
4. refusal of faculty to meet any of their classes.

Assuming favorable chapter response and State Council action, the Executive Committee proposes that ACSCP be prepared to submit a final plan for sanctions to be imposed at the start of the Fall, 1968, quarter or semester. "At any point at which a concrete plan for meeting the demands of the faculty is unequivocally committed by the appropriate State authorities, the sanction plans can be withdrawn. The question of whether this condition exists is one which will have to be submitted to the faculty."⁴⁷

AFT: An Exclusive Bargaining Agent

The American Federation of Teachers (AFT) desires a secret ballot election to select an "exclusive bargaining agent" to represent the faculty of the California State Colleges and to negotiate a contract on their behalf. The exclusive agent must receive support from a majority of the employees who vote in the election. Other faculty organizations would retain their right to appear before the Trustees, the legislature, or other official bodies. AFT prefers a system-wide bargaining unit, but recognizes that college-wide bargaining units may be preferable in the beginning because some colleges may not be ready for collective bargaining.⁴⁸ The bargaining unit would include department chairmen but would exclude other persons with administrative responsibilities,⁴⁹ unless an AFT local voted to include such persons in a supplemental agreement with a particular college.

In the Issues and Answers on Collective Bargaining booklet published by the state-wide academic senate in the spring of 1967, the AFT stated that it would bargain as "equals" with the legislature, or a committee designated by the legislature, on money matters. Such a committee might include two members of the Senate Finance Committee, two members of the Assembly Ways and Means Committee, the Finance Director, the Legislative Analyst, and the chairman of the Board of Trustees. The union would bargain with the Board of Trustees on matters which they may unilaterally decide and with local college administrators on local issues which these administrators may decide unilaterally.⁵⁰ AFT seeks written contracts, enforceable in the courts, as the outcome of its bargaining.

In its presentation before the Board of Trustees in September, 1967, AFT divorced itself from its previous position that on money matters it would bargain as equals with the legislature. Rather, AFT desires a written agreement or contract with the Trustees. Union pressure might be necessary to arrive at this agreement. Then the Trustees are expected to obtain from the legislature and governor the funds necessary to meet the terms of the contract. As the executive secretary of the union's College Council stated:
) "Once a satisfactory agreement has been reached with the Trustees, we would continue our efforts to see that the Trustees applied

sufficient pressure on the money granting bodies. We would, naturally, exert our own independent pressure on the Legislature and Governor if they refused to ratify the contract agreed to by the Trustees and the Union."⁵¹

The AFT holds that, "Collective bargaining would not be effective without the threat of a strike."⁵² The union recognizes binding arbitration by a neutral third party as an alternative to the strike, but has taken no official position on arbitration other than stating that, if it were first elected bargaining agent, it would consider arbitration if desired by the employer.⁵³ The AFT also emphasizes that it does not want to strike to force a representation election or later to secure agreement on the terms of a contract.⁵⁴ Of course, if the Trustees continue their refusal to hold a representation election, or if the union proves substantially unable to gain its contract demands through negotiations, the union would present a strike vote to its membership.⁵⁵

The following exchange relating to the strike took place at the September, 1967, meeting of the Board of Trustees:⁵⁶

THACHER [Trustee]: As I understood your last statement, what you are essentially saying is that in order to correct a grievance which you deeply feel, you are prepared to take an unlawful act and urge us to join with you in it.

HUTCHINSON [Executive Secretary, AFT College Council]: I would hope that you would feel the moral obligation to do whatever is necessary, Mr. Thacher, to see that salaries are raised sufficiently in this system, to see that something is done about the sabbaticals, to see that something is done about teaching load, to meet the other problems of this system. Now I would say that if you feel so very strongly that you would not break the law, I would urge you to resign from the Board of Trustees and to maintain your purity but nevertheless not pretend to be serving the State College System.

THACHER: In a democratic society, sir, my first allegiance is to the law.

HUTCHINSON: And my first allegiance is to education.

SPERLING [President, AFT College Council]: We realize strikes are illegal in New York, and Al Shanker and his officers are willing to pay the penalty for breaking the law in order to protest. The Union is willing to pay \$10,000 a day fine, and Al Shanker is prepared to go to jail anytime the judge sends him there. It is the same position that Henry David Thoreau had in paying his taxes for the Mexican War. He refused to pay them. It was an illegal act and he said, put me in jail, and that is the same position we will have if we face that problem. We will act morally and bear the full penalty of the law for our acts.

NORRIS [Trustee]: I'd like to get back down to earth here...

A model contract circulated by the AFT would exclude from the employee's bargaining unit administrative employees and nonacademic employees. In addition to clauses relating to salaries, fringe benefits, and working conditions (e.g., a 30% salary increase over two years, a 40% increase in retirement benefits with all such benefits to be paid by the employer, a maximum teaching load of nine hours, and a maximum student-teacher ratio of 15 to 1), the contract contains various provisions relating to the state-wide and local senates, referred to as "governing bodies."⁵⁷ The membership of the state-wide academic senate would be divided among representatives from local campuses in proportion to the sizes of their faculties. These state-wide representatives would be selected through procedures determined by the local senates. Members of the local senates would be nominated and elected through procedures determined by the academic employees of the local campus.

Either the statewide senate or the Board of Trustees could initiate any educational policy, and both would have to approve the policy before it could be enacted. Local senates would determine educational policy for a particular campus, and one-third of the local senates could bring any policy decision to a referendum of all academic employees. A local senate, in consultation with the college's president, would also determine procedures for promoting employees and granting them tenure.

The status of the senates would thus be determined by the collective bargaining agreement. It is interesting to note that the AFT is the external association which least often has a representative at meetings of the state-wide academic senate. In the case of local senates, external associations are represented only through senate members who are also active in the various associations.

In a memorandum prepared for the Board of Trustees, Louis H. Heilbron, chairman of the Board's Committee on Faculty and Staff Affairs, has argued that it is probable that the Trustees could not justify the same measure of support to the senates if many of their functions were taken over by a bargaining agent and that under collective bargaining employees in a bargaining unit are "excluded from most of the decision-making authority reserved to management."⁵⁸ In addition, on October 26, 1967, the Board of Trustees through a resolution, prepared by Heilbron in his memorandum, rejected requests by AFT and ACSCP for an election to select an exclusive bargaining agent for faculty members, refused to enter into negotiations with ACSCP as the agent of the faculty of San Francisco State College, and called for a strengthening of senates. The Board also stated that it would cooperate in the establishment of some form of council to consider economic issues, if desired by the local and state-wide senates. However, in its resolution the basic position of the Board was that it favors the development of institutional governance in accordance with the Statement on Government of Colleges and Universities.

AFT's response to the Trustees' action was to begin an intensive campaign to demonstrate to the Trustees the will of the faculty. A rally held immediately after the Trustees' decision began this drive, and at this rally Joseph Cascella, an AFT national representative, stated: "I have come with my trailer and my wife and I do not intend to leave California until the State Colleges have a working collective bargaining agreement with the Trustees."⁵⁹ By January, 1968, Cascella had left California, after issuing a critical blast at the refusal of the AFT's College Council in California to limit itself to trade union issues and to refrain from taking positions on social and political questions such as the Vietnam conflict. David Selden, an assistant to the AFT's national president, has since replaced Cascella.⁶⁰

CCUFA: Autonomous Senate or Negotiating Council

The California College and University Faculty Association (CCUFA) is an affiliate of the California Teachers Association (CTA), which, in turn, is an affiliate of the National Education Association (NEA). CCUFA membership is open to faculty members of all private and public colleges and universities in California, other than junior colleges.

CCUFA prefers that a strengthened state-wide academic senate be legally recognized as the bargaining agent of the faculty of the California State Colleges.⁶¹ "Specifically, the Association (CCUFA) believes that to qualify as an effective negotiating agent, the Academic Senate should have legally prescribed negotiating rights, autonomy sufficient to adopt and maintain positions independent of the Trustees and other policy making bodies, and resources sufficient to finance the employment of first-rate legal counsel, a public information office, a data-collecting and research office, and a secretariat."⁶²

In 1967, a bill (Senate Bill 1430) which would have legally recognized system-wide and local academic senates as the voice of the faculty of the state colleges was unsuccessfully introduced in the California legislature. (An identical bill has recently been introduced in the 1968 session of the legislature)⁶³ This bill was developed primarily by CCUFA leaders, but it also enjoyed support from spokesmen of the American Association of University Professors and the California State Employees Association. A System-wide Academic Senate and Local Academic Senates would be representative of all academic and administrative employees of the State Colleges other than those employees who provide management services. The constitutions and prerogatives of the present state-wide and local senates would continue in effect. ?

The System-wide Academic Senate would represent faculty members on all system-wide academic and professional matters. It would also recommend policies to the Chancellor and Board of Trustees. Its representatives would enjoy an advisory status with the Board of Trustees and would have the same rights to be recognized and to join in discussion as do the Trustees themselves. All proposals from professional or employee organizations would be submitted to the System-wide Academic Senate for its recommendations and comments prior to action by the Board of Trustees.

Senate Bill 1430 also envisioned that the Board of Trustees, or an administrative officer designated by them, would "meet and confer" with representatives of the System-wide Academic Senate on any academic or professional matter. Such a meeting could be requested by either the Trustees or the Academic Senate. Local Academic Senates would stand in a similar relation to the presidents of the colleges and would deal with local academic and professional matters.

If an autonomous, strengthened system of academic senates cannot be legally endowed with negotiating status, then CCUFA proposes the establishment of a negotiating council. Such a council would have ten members from the state-wide academic senate and one member from each of the five faculty organizations with substantial memberships in the California State Colleges.⁶⁴ Thus the academic senate's representatives would predominate in the negotiating council. "The council would provide a vehicle in which differences of opinion could be treated in a democratic and professional manner prior to the adoption of a united front before an opposing negotiating agency."⁶⁵

CCUFA holds that "collective bargaining" is an unfortunate term in the context of the California State Colleges because it conjures up precedents from labor law and because the use of the term hinders communication. In its place CCUFA would substitute "collective negotiations" or "professional negotiations." Such negotiations should follow formalized procedures and result in an agreement acceptable to both parties. The negotiations must be "in good faith." "Effective negotiations also presumes [sic] sufficient strength on each side to persuade the other to reconsider or change its position."⁶⁶ Thus the negotiating council must be able to impose sanctions or impasse procedures must be provided.

CCUFA has not made explicit the range of sanctions which it recommends, except that these sanctions "would not include the use of the strike weapon."⁶⁷ The strike weapon is emphatically rejected "as injurious to the education of students, incompatible with the concern for educational excellence, and a violation of both the legal and ethical code."⁶⁸ Impasse procedures might include those outlined by the Final Report on Public Employee Relations of the New York State Governor's Committee: advance agreement to submit a dispute to arbitration; the use of fact-finding panels which may issue advisory or binding recommendations; mediation; joint study committees; a special state board to aid in breaking impasses; or the use of "show cause hearings" in which the parties to negotiations review their positions before the legislature, or another governmental body, prior to legislative action.⁶⁹

CCUFA's model is not clear in terms of the sanctions, or impasse procedures, which might be utilized if the state-wide academic senate were legally recognized as the bargaining agent of the State College faculties. Presumably they would be the same as those available to a negotiating council, which, after all, would be dominated by representatives from the state-wide academic senate.

CCUFA also suggests that department chairmen, deans, and other

administrators closely related to the academic program be represented through the academic senates or negotiating council⁷⁰ and holds that educational and economic interests are so interrelated that they must be treated together in collective negotiation sessions.⁷¹

CSEA: The Senates for Academics

The California State Employees' Association (CSEA) seeks to strengthen the academic senates within the California State Colleges, while vigorously opposing collective bargaining for faculty members. The senates should represent the faculty of the colleges on all matters before the Board of Trustees, the Chancellor, and local college administrations. The senates, however, cannot directly represent the faculties before the governor, legislature, or the Coordinating Council on Higher Education. CSEA calls for strong, independent faculty organizations to appear before these bodies and to bolster official presentations. The external organizations, CSEA holds, may also act as research arms of the academic senates: promoting programs through the senates, but also independently pursuing these programs if they are modified too greatly in the senates.⁷²

According to CSEA:

Our ideal is that faculty, administrators and trustees work together to improve and maintain the System. It should be the role of the faculty to arrive at policy, after responsible deliberation and research. The trustees, as representatives of the people, then must weigh this policy and either give it meaning or refer it back with their reasons for nonacceptance. The administration's role must be multiple: to recognize and suggest areas where policy is needed, to aid in the deliberations on policy, and to supervise the carrying out of established policy. Each must respect the rationality and integrity of the other. This would be impossible with collective bargaining.

Collective bargaining explicitly pits faculty against administration and encourages a destructive divisiveness which subverts our efforts to reach this goal of faculty participation in the government of educational institutions.

One cannot possibly expect an administration that is heckled, belittled and intimidated during a bargaining session on salaries to be willing to sit down as coequals in mutually solving curriculum problems.

CSEA also considers perfectly acceptable a negotiating committee formed under the authority of the state-wide academic senate and responsible to that body. Such a negotiating committee could be composed of representatives from the various external faculty organizations, but in CSEA's view it would be a stronger negotiating body if it included as well representatives from the state-wide senate.⁷⁴ In any case, CSEA's conception of "negotiation" is rational persuasion in which

each participant respects the rationality and integrity of the others.⁷⁵

Although CSEA favors faculty representation through academic senates, it has also supported a program of "positive negotiations" which could be utilized by the faculty of the state colleges; however, this program is more likely to be of interest to the colleges' non-academic or support personnel. CSEA membership is open to all state employees and it is clearly the dominant employee group among the colleges' nonacademic employees. At present CSEA is reevaluating its position relating to positive or collective negotiations. It should be noted that the committee considering alternatives for employee representation excluded the state colleges from its considerations because of the differences between a faculty member's conditions of employment and those of the more usual state employee.

In 1967, CSEA had introduced into the legislature a bill (AB 2106) ✕ which would have enacted a "State Employment Representation Act."⁷⁷ The bill provides for secret ballot elections conducted by the State Personnel Board to determine if state employees subject to particular appointing power, including employees of the California State Colleges or the University of California, wish to select as "majority representative" an employee or professional organization. An employee organization may initiate the election procedure if it presents a written authorization indicating that it represents more than 30% of the employees subject to the appointing power. If it receives more than 50% of the votes cast in the election, the employee organization receives "certified" or "majority representative" status. The election may be waived if the State Personnel Board verifies that more than 50% of the employees of an appointing power belong to an employee organization seeking recognition. Two or more organizations, if they together receive more than 50% of the votes in an election, may join to attain recognition and would enjoy the same status as a single majority representative. In addition, another employee organization may enter into an agreement with the majority representative so that the majority representative will present the views of that organization in conferences with the appointing authority.

An "appointing power" is defined as a person or group of persons representing the state as an employer with authority to make appointments and removals and with authority "to make substantial changes in the terms and conditions of employment of state employees without reference to higher authority."⁷⁸ A certified employee organization would have the right to represent its members before an appointing power for the purpose of making "adjustments" in wages, hours, working conditions, or all other employment conditions insofar as such matters fall within the scope of authority of an appointing power. AB 2106 also provides for a written agreement "enforceable at law and equity" between a certified employee organization and an appointing authority.

If negotiations between a certified employee organization and an appointing power are deadlocked, the employee organization "may

within 15 days demand in writing the intercession of a fact-finder to recommend a resolution to the disagreement."⁷⁹ Provisions are included to assure that the fact-finder is mutually acceptable.

Certified employee organizations may also request "control agencies" to "adjust" their rulings or findings. A "control agency" is an agency of state government which has authority to adjust the terms and conditions of employment of employees over which it exercises no authority as appointing power. There are provisions for an impartial fact-finding panel in cases of disagreement between a control agency and certified employee organizations. In such cases the special fact-finding panel may choose to make its recommendations directly to the governor or legislature or both.

The System of Alliances

Within the California State Colleges, AAUP, CCUFA, and CSEA are sometimes referred to as the "troika of the right" because of their alliance in opposition to collective bargaining. Their spokesmen are likewise labeled as "conservatives", which, at best, is misleading. These groups do not wish to conserve the heritage of the state colleges -- a heritage of administrative dominance in "teachers colleges". Rather AAUP, CCUFA, and CSEA advocate strong academic senates. In most colleges and universities they would probably be agents of profound change in the direction of greater faculty participation in decision-making. Taken at its face value, the model of academic governance preferred by CSEA would probably lead to faculty dominance of the colleges. Those of AAUP and CCUFA would lead to a real sharing of authority among faculty, administrators, and the Board of Trustees. CCUFA's major proposal, moreover, is particularly radical in that it desires an autonomous senate, capable of acting as an "effective negotiating agent", yet ✓ part of the internal structure of the state colleges and financed through state appropriations.

The faculty members of the California State Colleges are caught up in a revolution of rising expectations. Once progressive proposals are viewed as apologies for the status quo. The initiative has passed to ACSCP and AFT, the proponents of "collective bargaining".

ACSCP and AFT frequently appear to act in concert in criticizing existing arrangements for faculty participation in decision-making, in promoting greater faculty militancy, and in seeking an election to choose a system-wide collective bargaining agent. The two groups, however, have proposed very different alternatives of collective bargaining, while both wish to become the exclusive bargaining agent for the state college faculty. ACSCP and AFT are caught in a dilemma. If either group successfully reaches its objective, it may eliminate the other, but probably they will have to work together if any form of collective bargaining is to be achieved in the state colleges. It appears that relations between them will continue to fluctuate, from informal discussions of merger⁸⁰ to strenuous rivalry, depending on the likelihood of a victory for collective bargaining.

III. PATTERNS OF COLLECTIVE BARGAINING

Collective Bargaining and Public Employment

The collective bargaining drive in the California State Colleges must be viewed as part of a nationwide movement among public employees. Just a decade ago collective bargaining in public employment was generally dismissed as not feasible because of the differences between private and public employment. The conditions which must exist for effective collective bargaining in private industry have been outlined by B.V.H. Schneider and others: (1) there must be two sides to the bargaining; (2) each must have a reasonable degree of bargaining power; (3) there must be a wide range of negotiable issues; and (4) such negotiations must produce a mutually binding contract.⁸¹ These conditions often cannot be met in public employment and must be approximated. For example, a governmental system of "separation of powers" and "checks and balances" leads to a diffusion of "management control among executive and legislative bodies. Moreover, our typically weak political party system fails to bring unity, or often even single party control, to the executive and legislative branches. Public employees are most often denied the right to strike, which limits their bargaining power. Many issues are not negotiable in that they are determined by law or require legislative appropriations. Similarly agreements between public managers and union or association officers often require legislative approval before they can become binding.

Today the growing tendency is to fit the private industry pattern to the circumstances of particular governmental jurisdictions. For example, bargaining is either limited to those matters in which managers have discretion (as in the federal civil service), or the written agreement between managers and the union or association is submitted to the legislative body for approval (as in many units of local government). Mediation, impartial fact-finding, or advisory arbitration are used to overcome impasses in negotiations, rather than strikes and lock-outs. Some consideration is also being given to binding third-party arbitration, but this raises constitutional questions if an outside agent is to bind a public official in the performance of his duties. It is also argued that binding arbitration may hinder, not promote, "good faith" negotiations.

The "industrial" pattern, of course, can be more closely approximated in some governmental jurisdictions than others. In a local transit district in California, where employees have been granted the right to strike by a state legislature, the differences may be insignificant. In a local school district, particularly in a "union town", the differences need not be great: the teachers and the administrators of the school system are quite separable. The governing body is nonpartisan and not of the "separation of powers" type. The school board is politically weak (compared, for example, to a state legislature), and the teachers are potentially in a strong bargaining position (compared to most other public employees) due to their scarcity in the job market and their ability to impose sanctions, including the strike. Public pressure to maintain reasonably good elementary and high schools, or to assure that the schools remain open,

is great enough to motivate the school officials to seek an acceptable agreement with the teachers. The school schedule can be adjusted to minimize the harsher effects of a strike on pupils. Finally, the state government, if necessary, can act as a neutral party to lay down guidelines for bargaining or negotiations.

At the national level--and the state level due to our system of federalism--various features of government as an employer cause greater dissimilarity to private industry bargaining. These features include: the system of "separation of powers" and "checks and balances"; the reluctance of Congress and state legislatures to relinquish control over appropriations or to disturb institutional balance by delegating effective control over salaries and working conditions to the executive branch; party competition for control of the executive and legislative branches, combined with a lack of "responsible, disciplined parties"; the disproportionate power of chief executives and legislators, the crucial determiners of personnel policy, versus employee unions and associations; the legal supremacy of the national and state governments in determining conditions of employment and the absence of a higher legal authority. These are only the most obvious features which suggest themselves.

The "collective bargaining" pattern likely to be found at the state and national level can be illustrated by President Kennedy's Executive Order 10988,⁸² widely hailed as instituting "collective bargaining" in the federal civil service. The order limits negotiations to matters in the agency head's discretion. Matters set by statute or civil service regulations--including salaries--are not subject to bargaining. Employees are forbidden the right to strike; in fact it is a felony for a federal employee knowingly to belong to an organization which asserts the right to strike against the federal government. There are no provisions for outside mediation or arbitration of substantive issues (or "interest disputes").

A survey⁸³ conducted by the Public Personnel Association indicates that prior to May 1, 1966, only six states (California, Delaware, Massachusetts, Minnesota, Oregon, and Washington) had comprehensive legislation relating to "collective bargaining" by state employees. This listing includes the relatively innocuous George Brown Act of California, which merely requires public managers to "meet and confer" with employee organizations. No state permits strikes by state employees.⁸⁴ Impasse procedures include such devices as mediation, fact finding, advisory arbitration, or binding arbitration on matters not involving the expenditure of money.⁸⁵

The type of "no strike bargaining" found in the federal civil service and likely to be widely emulated in state and local government has not been seriously considered by the faculty members of the California State Colleges. This alternative is often called "collective negotiations" and is limited to bargaining in areas where public managers have discretion. Of course, as Felix Nigro has stated, the "real issue is whether government officials can recognize employee unions and sit down at the conference table to negotiate binding agreements in some important areas of personnel policy

concomitant of negotiations is perhaps the most controversial aspect of the AFT model. Especially while collective bargaining in public employment is in its youthful stage, there are likely to be strikes by public employees despite their doubtful legality--or in cases, their clear illegality. Strikes will occur because of the absence of recognition provisions for bargaining agents, because of inexperience in negotiations, because of a lack of accepted impasse procedures, because there is seldom a feasible way to discipline an entire work force, or because that work force considers working conditions intolerable and is willing to risk dismissal. (Other strikes will be, for example, "professional holidays" designed to gain public attention, rather than to force concessions from the public employer through a concerted and prolonged work stoppage).

From the standpoint of the strikers, the successful application of the strike sanction in public service would appear to depend on the following circumstances:

1. the employees must be unified to a sufficient degree so that they can maintain the strike until the employer makes concessions and so that their withdrawal of services significantly affects the task of the agency;
2. the employees must find a "sympathetic public" which will put pressure on the public employer, especially through elected officials, to end the strike through concessions or they must perform a vital service which the public believes must continue uninterrupted;
3. the employees must have resources (e.g., strike funds) other than determination if they are to continue the strike, especially if they are employed by a public agency such as a college which can withstand a brief interruption in its schedule, whether for spring vacation or a strike; and
4. the striking employees cannot be easily replaced.

< There are various environmental forces at work which operate against the ability of state college faculty members to strike successfully.

The AFT must counteract the conception of "professionalism" held by many faculty members who view the strike as a "union tactic" inappropriate for faculty members or who view students as innocent victims of a strike. In the foreseeable future, any strike called by AFT (or ACSCP) would meet great organizational resistance within the faculty from AAUP, CCUFA, and CSEA. Moreover, the public may be unsympathetic. The colleges deal in an intangible product consumed largely by elites; their admissions practices, the costs of college, and the nature of the public school system at lower levels mitigates against a student population broadly reflective of the general population. In addition, the public as a whole does not appear to appreciate the need for improved working conditions, such as a reduction from a twelve-hour teaching load viewed as onerous by the faculty. Professorial salaries are high compared to those of the general citizenry and a demand by strikers for a top salary

of perhaps \$25,000 per year may fall on deaf ears. The role of the colleges as centers of demonstrations against the draft and the Vietnam war further complicates the picture. A strike will be labeled by some members of the public as another manifestation of civil disobedience and disorder which should be dealt with firmly. Finally, there are no known strike funds to assist the faculty if salaries are withheld by an adamant opposition, led perhaps by the governor.

A member of a profession should be prepared to withhold his services, or to impose other sanctions, if his conditions of employment are such that he cannot perform a satisfactory service to his clients. A primary difficulty with the AFT model is that it would institutionalize the strike threat as an integral part of the pattern of negotiations with the Board of Trustees as employer.

Perhaps the AFT model is based on successful AFT experience in junior colleges and in elementary and high schools. The ACSCP model of collective bargaining, in contrast, is designed to meet the peculiar needs of the faculty of the California State Colleges. Faculty members are to control the colleges from within through the senates, and ACSCP is to act as the sanctions' arm of the faculty from without to assure that the goals of the faculty are attained. ACSCP wishes to be recognized by the faculty of state colleges as its agent to help the faculty get what it wants, from whoever has it to give, using whatever techniques the faculty as a whole feels are professionally and educationally responsible. Stripped of its rhetoric of "all power to the faculty", the major way in which this differs from the status quo is that ACSCP would become the faculty's "exclusive agent" and would be viewed by many participants as having a mandate to do something significant. However, in accordance with the model, ACSCP's action can be no more significant or militant than the faculty as a whole--ACSCP nonmembers as well as members--will permit. ACSCP has incorporated the use of the term "collective bargaining" as a symbol, but its model can be said to embrace "collective bargaining" only if that term is construed very loosely.

The Choice

The faculty members of the California State Colleges have a most difficult choice to make: will they continue to view academic senates as their primary avenue for participation in decision-making, will they turn to external faculty organizations and probably to collective bargaining, or will (and can) they develop a viable arrangement whereby the external associations act as a sanctions' arm of the senate? This choice may be influenced by the actions of others, but it will depend primarily on the attitudes and aspirations of the faculty. The faculty itself must choose its form of participation. Even participation through senates must be voluntary if it is to be successful; it cannot be ordered as an obligation to an institution.

Effective participation through senates demands a sense of common identification with the entire college community, including the administrative officers and the Board of Trustees. It requires a sublimation of hostility toward administrators and a willingness on the part of Trustees and administrators to promote the role of faculty in policy

development at all levels. It means a style of "closed politics", of interminable committee meetings, of subtle compromises, of discourse, information sharing, and often much verbiage. It requires that the judgements of the faculty be viewed by all as central to the educational process and that decisions of the senates be commonly accepted.

Perhaps the faculty members of the California State Colleges are too alienated from the college system to gain satisfaction through the senates. Perhaps they have grown too suspicious from past experience and too wary of the future to be content with an atmosphere of "Come, let us reason together." Perhaps their aspirations to control their own environment cannot be met by the senates. Perhaps they do wish to turn to sanctions, to open conflict. If such is the case, the senates will not perform satisfactorily and the collective bargaining drive will gain in momentum.

The third possibility for the faculty--reliance on an internal system of senates supplemented by an external sanctions' arm--involves such a subtle and sensitive accommodation between internal and external leaderships and "rules of the game" that only concrete experience will indicate whether or not such a pattern can be maintained.

As part of an effort to provide quality education to all young people with the necessary talent and ability, the California State Colleges will have an enormous impact on American higher education. But its greatest contribution may yet be a solution to the difficult problem of the most effective means for faculty to participate in institutional governance in an era of complex multiversities.

NOTES

✓ ¹Myron Lieberman and Michael H. Moskow, Collective Negotiations for Teachers (Chicago: Rand McNally & Company, 1966) p. 41.

²Bernadette S. Julian, "The AFT in Caucus and Convention: New Style for 1967," Monthly Labor Review (November, 1967), p. 20.

³Myron Lieberman, The Future of Public Education (Chicago: University of Chicago Press, 1960).

⁴Louis H. Heilbron, "Memorandum Re Collective Bargaining for the Joint Meeting of the Committees on Faculty and Staff Affairs and Educational Policy," Board of Trustees, California State Colleges, September 20, 1967, p. 6.

⁵"1967-68 Statistical Report of the California State Colleges Part A, October Report," October, 1967, n.p.

⁶Donohoe Higher Education Act of 1960, 1961 Cal. Stats. 392, Sec. 22606.

⁷James F. Thacher, Chairman, Committee on Educational Policy in "Collective Bargaining: Transcript of Joint Meeting, Committee on Faculty and Staff Affairs, Committee on Educational Policy," September 20, 1968, p. 8.

⁸See Issues and Answers on Collective Bargaining, n.d., pp. 1-5, (Compiled by the Ad Hoc Committee on Collective Bargaining of the Academic Senate, California State Colleges.)

⁹"1966-67 Statistical Report of the California State Colleges," n.d., Tables 3 and 10.

✓ ¹⁰Richard Bigger, "Politics and Policies of Higher Education," in Eugene P. Dvorin and Arthur J. Misner (Eds.), California Politics and Policies (Reading, Mass: Addison-Wesley Publishing Company, 1966) pp. 227-29.

¹¹Ibid., p. 228.

¹²Ibid.

¹³Ibid., pp. 227-28.

> ¹⁴C. Mansel Keene, "A Review of Faculty Consultation and Related Matters Dealing with the Board of Trustees of the California State Colleges," Office of the Chancellor, Los Angeles, August 11, 1966, p. 1.

¹⁵Ibid., p. 5.

¹⁶Committee on Faculty Affairs, Academic Senate of the California State Colleges, "Statistical Summary," n.d., p. 1.

¹⁷"The Constitution of the Academic Senate of the California State Colleges," Article I.

¹⁸Ibid., Article II.

¹⁹Issues and Answers on Collective Bargaining, op. cit., p. 4.

²⁰Ibid., p. 4.

²¹Ibid., p. 19. Quoted from a statement by the National Council of AAUP in the AAUP Bulletin (June, 1966), p. 229.

²²Ibid., p. 7.

²³Ibid., pp. 12-13, 19, 24 and 37.

²⁴Ibid., p. 21.

²⁵Ibid.

²⁶Ibid.

²⁷Ibid., pp. 24-25.

²⁸Ibid., p. 22.

²⁹Ibid., pp. 25, 39.

³⁰Ibid., p. 25.

³¹Ibid., pp. 25, 35.

³²Ibid., p. 25.

³³Ibid., p. 8. See also pp. 13-14.

³⁴Ibid., p. 10.

³⁵Ibid., pp. 14-15 and 32.

³⁶Ibid., p. 5.

³⁷Ibid., p. 15.

³⁸Ibid., p. 14.

³⁹Ibid., p. 26.

⁴⁰Ibid., p. 39.

⁴¹Peter Radcliff, "Bargaining Agent Fails at San Francisco State," Union Report, November 20, 1967, p. 2.

42"SFSC Bargaining: Moment of Truth is Here," The Voice of the Faculties, September, 1967, p. 15.

43"Collective Bargaining: Transcription...", op. cit., pp. 38-39.

44See Heilbron, op. cit., pp. 22-24.

45"SFSC Bargaining: Moment of Truth is Here," op. cit.

46"A Proposal for Concerted Action to Reduce the Teaching Load in the California State Colleges," November 24, 1967, p. 2.

47Ibid.

48Issues and Answers on Collective Bargaining, op. cit., p. 38.

49Ibid., p. 26.

50Ibid., pp. 5 and 41.

51"Testimony of California State College Council, American Federation of Teachers, Before the California State College Board of Trustees, September 20, 1967," p. 6.

52Issues and Answers on Collective Bargaining, op. cit. p. 37.

53Ibid.

54Ibid., pp. 7-8.

55Ibid., pp. 21-26.

56"Collective Bargaining: Transcription...", op. cit., p. 28.

57Draft "Agreement," October, 1966, pp. 5-6.

58Heilbron, op. cit., p. 8.

59"Rally Kicks Off CB Drive," Union Report, November 20, 1967, p. 1.

60"AFT President Cogen's Aide Joins CB Drive," Union Report, February, 1968, p. 1.

61Issues and Answers on Collective Bargaining, op. cit., pp. 8 and 34.

62Ibid., p. 8.

63On January 31, 1968, CCUFA sent "an open letter to state college faculty" stating that the state-wide academic senate, in rejecting SB 1430, had misunderstood the message and seeking grass roots support for a similar bill.

64Issues and Answers on Collective Bargaining, op. cit., pp. 8-9 and 34.

⁶⁵Ibid., p. 9.

⁶⁶Ibid., p. 16.

⁶⁷Ibid., p. 37.

⁶⁸Ibid., p. 17.

⁶⁹Ibid., p. 37.

⁷⁰Ibid., pp. 26-27.

⁷¹Ibid., p. 27.

⁷²Ibid., p. 9.

⁷³Ibid., p. 27.

⁷⁴Ibid., pp. 46-47.

⁷⁵Ibid., pp. 23 and 27.

⁷⁶California State Employees' Association, Final Report 1967 Legislative Year, n.d., p. 68.

⁷⁷Ibid.

⁷⁸Assembly Bill No. 2106, April 11, 1967, p. 4.

⁷⁹Ibid., p. 6.

⁸⁰On January 8, 1968, the Executive Secretary of ACSCP, following the direction of the ACSCP Executive Committee, sent a memorandum to the local chapters requesting them to discuss the formation of a new faculty organization to replace both ACSCP and AFT.

⁸¹B.V.H. Scheider, "Collective Bargaining and the Federal Civil Service," Industrial Relations, No. 3 (May, 1964), 100. Also see Willem B. Vosloo, Collective Bargaining in the United States Federal Civil Service (Chicago: Public Personnel Association, 1966) pp. 12-44.

⁸²Executive Order 10988, "Employee-Management Cooperation in the Federal Service," 27 Fed. Reg. 551 (1962).

⁸³Survey results are contained in a memorandum to deputy directors and personnel officers from the Standards and Surveys Division, State Personnel Board, "Collective Bargaining and Right to Strike for Public Employees," June 16, 1966, pp. 1-3.

⁸⁴Ibid., p. 1 and Appendix A.

⁸⁵See Jack Stieber, "Collective Bargaining in the Public Sector," in Lloyd Ulman (Ed.) Challenges to Collective Bargaining (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967) pp. 73-76.

⁸⁶Felix A. Nigro, Modern Public Administration (New York: Harper & Row, 1965) p. 358.

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