Introduction

Historically, legal and institutional provisions for collective bargaining have been established for two primary reasons: to secure labor peace and to improve decision-making regarding wages, hours, and terms and conditions of employment. In appearance, Prof. Hetenyi's discussion has concentrated on the first: labor peace. Thus, he appropriately emphasizes faculty discontent concerning wages, job security and working conditions, and he finds reason for hoping that the current widespread tension, emotionalism and disruption of the educational atmosphere that he sees with the advent of faculty bargaining will diminish.

Yet he anticipates this resolution with more than a touch of unease about the future. In every respect, moreover, the "dilemma" he sets forth irrevocably points up current needs for better modes of decision-making in employment relations: the second historical reason for providing collective bargaining. It is no wonder that he feels uneasy, since he believes that unionization will generally be needed in order to treat the conditions of faculty discontent, that unionization entails the supplanting of freer traditional styles with more confining and rigidifying styles, and that "there is no escape from painful choices, no chance to embrace the best of both worlds."

While I agree that we cannot escape painful choices, I do not accept either horn of the dilemma he describes. Most of the debate on academic bargaining over the past ten years has either presupposed or implied this...

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dilemma. Thus, Prof. Hetenyi has correctly read the debate, and I am grateful for his insight. I believe, however, that much more is to be said about the reality behind the debate.

The real condition of campus employment relations today, I contend, has been significantly obscured by the debate, which I think has dragged along much needless impedimenta, some of which I will try to sort out here.

In one brief essay I can only depict a few features of what I take to be a considerable confusion of issues within the debate to which Prof. Hetenyi is party; indeed, I do not presume to see them all clearly myself. The chief aim of the essay, moreover, is not simply to point out aspects of the debate that Prof. Hetenyi and others may have overlooked but, more important, to enact part of an ongoing dialogue, or rather multitologue, on the future prospects of academic employment relations. I hope that in this way readers will be able to make better use of both essays for purposes of reflection and decision-making. My own emphasis here, moreover, will be on the needs and requirements of decision-making rather than upon modes of obtaining labor peace, with the assumptions that both are important and that they are inseparable.

Some Real Conditions: Unionization on Campus

First, consider some facts about unionization on campus and some related challenges. (1) Unionization of faculty continues at a steady pace. This occurs despite the lack of enabling legislation in twenty-six states (mostly in the South and West) and despite the reluctance of both faculty and administration in all but a few private institutions to have the National Labor Relations Board enter into their affairs.

Only the growth of faculty unionization has been carefully followed by scholars, not that of non-faculty groups in academia. In my study of "The
Situation in the States as of May 1976, I listed 298 faculty bargaining units in 522 campuses and institutions, an estimated 19.8 percent of all campuses and institutions as compared with approximately 11.8 percent in 1973. As of early March 1977, my records show 329 units on 560 campuses and institutions, a ten-month growth of 31 and 38 respectively, only 6 of the new units being in private colleges. Few additional elections were expected before the end of the academic year.

The calendar in 1976 was a banner year, largely because 5,400 faculty entered collective bargaining in the Florida state university system, 1,800 in the five-campus Illinois Board of Governors System of regional universities, 1,500 in the Connecticut state college system, and 1,300 at the University of Connecticut. That only half of the additions were in two-year institutions shows that the phenomenon is no longer closely attached to the public school background and environment.

From May 1976 to March 1977, Idaho and Missouri joined the other thirty states with at least one faculty unit. But the new units appeared in only ten states. Of these, 13 of the 31 were among the community colleges in California, enabled by the 1976 Rodda Act there, and 7 in Illinois, together over two-thirds of the total. Since most faculty groups that are going to unionize in states where there is enabling legislation have already done so and since the rate of new legislation has at least temporarily slowed to a trickle, most of the 1977 growth will have been among California's 96


community colleges. The growth is expected to continue, nonetheless, though somewhat more slowly for a while. According to a survey by sociologist Martin Trow, faculty support for unionization increased between 1969 and 1975. There is no clear reason to expect otherwise in 1977.

Strikes have been a very minor factor. A 107-day 1976-77 faculty strike in Canada was far more serious than any so far experienced in U.S. institutions. (The 1971 Oakland University strike in Michigan was the most prominent, lasting two weeks.) At Québec's Université Laval faculty began striking on September 7, 1976, closing down the 20,600-student institution for the entire fall term. The Laval student union supported the strike, as did the Canadian Association of University Teachers -- providing financial assistance -- and the provincial faculty association. Negotiations for a first contract had been going on since December, 1970. In October, faculty at Université de Québec à Montreal also went on strike, their third since 1971. Governance was the key issue, precipitated especially by job security problems. Faculty won a uniform policy establishing power in each departmental committee, consisting of all faculty in the department, to hire faculty, make workload decisions, and set promotions' criteria; and they formed a grievance procedure including internal appeals procedures, binding arbitration, and a mode for securing other work for tenured faculty whose positions become "redundant" or for deciding their...


status is an acceptable position cannot be found.\(^5\)

Only one decertification of a faculty union has occurred: at four-year New England College, New Hampshire (AFT, 1976, 70 members). A strong decertification move is under way at Central Michigan University in anticipation of the current three-year contract's expiring in 1977. In 1969, this was the first single public four-year institution in the country to have faculty bargaining.

(2) The ability of non-faculty unions on campus to negotiate pay raises makes faculty wonder whether they are simply getting what is left. The piling up of government regulations affecting all employees, however, may well have longer term effects on campus life than changes in compensation policy, many of which were overdue by almost anyone's account. In the 1970's personnel staffs have grown by leaps and bounds, but only in part so as to handle collective bargaining. Matters once left to whim or circumstance must now be handled regularly, deliberatively and often according to externally established rules. The focus of rationale for personnel administration has shifted from privileges to rights, from good deeds to responsibilities. Unless an organization adopts a petty clerk's view of process and accountability, there can emerge out of the early turmoil a flexible, efficient framework that supports the growth of greater attentiveness to principles. The critical challenge, therefore, is to use the new opportunities for change in order to improve

the moral climate of campus relationships. \(^6\)

(3) Changes in public sector employment relations are paving the way for changes on campus. Nationally, 51.5 percent of all full-time state and local government employees belonged to employee organizations in October, 1974. The percentage would be somewhat higher for federal employees since about 52 percent there were members in 1972. The increase of those belonging to such organizations over the increase in full-time employees has continued throughout the 1970's. As Jack Barbash, Professor of Economics at the University of Wisconsin, has concluded: \(^7\)

Unionism is necessarily a reacting institution; the major initiatives which affect the union lie with the enterprise and the state. The major theme that runs through the 1960's and 1970's is the adaptation of collective bargaining and unionism to the increasing demands of public policy and public interests. The state regulates the results as well as the process of collective bargaining at job, industry, and economy levels. Unionism has made great strides in this period. Lessening the tensions incident to employment, it eased the harshness of the hierarchical organization in industry by introducing rights, orderly procedures, and a measure of self-determination at work. It has made feasible a higher standard of consumption for working people. Unionism's shock effect has prodded management in general, whether unionized or not, to assume a more human conception of its role and a more efficient management of its labor force.

Such changes have been occurring in both the private and the public sectors.

For the most part, the growth of unionization in academia has been tied to enabling state legislation. If federal legislation is passed, this trend

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\(^6\) This is a major theme in the volume cited in footnote no. 1. On changes in personnel administration see chapters by Russell W. Reister and others there, also recent issues of the Journal of the College and University Personnel Association.

will be greatly accelerated. However, it does not follow that patterns of employment relations on campus must follow external patterns. A college is not an industry; public colleges have distinctly different missions from those of most other public agencies. The critical challenge at this point, therefore, is twofold: to establish patterns for all campus employee groups that fit higher education settings (emphasis on the plurals) and to develop paradigms that can eventually be adapted to other employment settings, thus turning the tables on popular assumptions about campus life being determined by external forces. For example, the many other public employee groups who are working out ways to participate in management activities may learn from campus experiences. To make these efforts work, fresh scholarship, intelligent risk taking, and leadership skills training are needed.

(4) Is unionization bringing about comparatively larger salary increases? Except occasionally in the short run, teachers unions do not appear to have brought about significantly greater average salaries for comparable numbers of teachers and under conditions of comparable productivity. Over the long run, the same has been true historically among trade unions in many parts of the economy. The first fruits of research on faculty salaries suggest that similar findings will appear among academic employment groups.  

However, that is really beside the point. (Interpreters of such findings must also be careful to note the overflow of union settlements into

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8 See the bibliographical index in Tice (1976, footnote no. 1), under "Salaries," p. 600, for some of these studies; there are many more. Also see Howard B. Means and Philip W. Semas, "Do Unionized Faculty Members Get Bigger Pay Increases?" Chronicle of Higher Education 13, no. 14 (December 6, 1976), p. 3; Robert Birnbaum, "Unionization and Faculty Compensation, Part II," Educational Record 57, no. 2 (Spring 1976), 116-118; and Trevor Bain, "Collective Bargaining and Wages in Public Higher Education: The Case of CUNY (New York City)," Journal of Collective Negotiations in the Public Sector 5, no. 3 (1976), 207-214.
surrounding nonunion employment groups and to compare wages in states where unions are permitted with so-called "right to work" states.) The key questions are rather how many persons can be included in the compensation settlement and how matters of productivity are to be decided. It is in the process of dealing with these issues that unions, directly or indirectly, get the proverbial "more." If this is true in much of the private sector, where employers usually have profits to divide among maintenance and development costs, investments, advertising and sales, and salaries for workers and managers, it is especially true in nonprofit institutions and in public institutions where outside governmental bodies place strict limits on funds.

(5) Can we expect unionization to become the chief mechanism for maintaining job security among faculty? Recently this has been the focal issue among Canadian faculty seeking strength through unions, as among many faculty groups in the United States. Here, again, the issue is easily misplaced, for when we think in decades rather than in spans of a few years, the basic problems are who decides when and how retrenchment and other appointment decisions are to take place, how is the deciding to be done, and in order to protect what beliefs and interests. At rock bottom, that is what the tenure issue has been about, and it still is. Moreover, as an answer thought to be necessary for support of academic freedom, academic tenure is a particular way of dealing with these problems, one perhaps not wholly indentifiable anywhere else. The challenge in this respect, then, is to find solutions that

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9 See footnote 5 and Philip W. Semas, "Faculty Unions Focusing on Job Security," Chronicle of Higher Education 13, no. 9 (November 1, 1976), p. 3. Among recent articles, see Arthur P. Manard, "May Tenure Rights of Faculty Be Bargained Away?" Journal of College and University Law 2, no. 3 (Spring 1975), 256-268 (an examination of court cases suggests a "yes" answer); and Richard P. Chait, "Nine Alternatives to Tenure Quotas," AGB Reports 18, no. 2 (March-April 1976), 38-43.
distinctively fit academic settings, that are consistent with their mission and their societal roles.

It does not follow that unionization will serve to weaken or abolish tenure. Such results would ineluctably follow only from a misapplication of external job security patterns to academia.\(^{10}\) One result of "doing it right," on the other hand, might be a more effective involvement of faculty in academic and social planning, such that they are not likely to be competing for fewer and fewer jobs in the years ahead. It is possible that present "indicators" project such a falloff because their users are assuming a lack of innovative programming and public service in higher education rather than the deep need for expansion. That is, they are counting bodies rather than souls. It is also possible that they are assuming the continuation of "tenured professorships" in a minimum form, where reassignment, review, retraining, and other staff development features are missing entirely. But we do not have to live with these assumptions.

Other Factors in Decision-Making

The focus here is upon decision-making possibilities. First we have viewed some factors involved in unionization. Now we may consider some closely related factors involved in the collective bargaining process and other important organizational activities in academia.

(1) It is too early to predict whether state-level administrative action will of necessity endanger autonomous, effective institutional decision-making

\(^{10}\) Compare studies of clauses in recent faculty contracts by Harold I. Goodwin, John R. Pisapia, Ernest R. Goeres and Edwin R. Smith in Collective Bargaining Perspectives 1, nos 1-5 (Morgantown: Department of Education Administration, West Virginia University, 1976).
Similar effects have often all too tragically occurred at the local level. To centralize responsibility to direct and oversee the decision-making process does not necessarily mean to abrogate freedom at the local level, either in schools and departments or on campuses or elsewhere in the society. The overarching aim of government in a complex democratic society is to support the fulfillment of rights and freedom under the equal protection of the law. The same kind of pattern -- though reliant at least as much on good will and good procedures as upon the specific protections of laws and regulations -- is enjoined upon government at all levels, including what is called academic governance. In any case, state-directed retrenchment will surely continue for the short run. In 1976, for example, the State University of New York reduced its 34,300 staff positions by 1,500 to 2,000, including 400 faculty and 100-150 faculty layoffs; the City University of New York reduced total staff by some 4,500 positions, laid off about 1,100 faculty.

In some states the widespread presence of academic bargaining has hastened movements toward state direction or coordination. Where faculty organizations have not prepared themselves to share in the process of

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11 Among recent discussions, see Kenneth P. Mortimer, ed., Faculty Bargaining, State Government and Campus Autonomy: The Experience in Eight States (Denver: Education Commission of the States, April 1976); his chapter with Mark D. Johnson in Tice (1976, footnote no. 1); Elizabeth H. Johnson, "Why Statewide Boards?" AGB Reports 18, no. 2 (March-April 1976) 11-14; and Joseph W. Garbarino, "State Patterns of Faculty Bargaining," Industrial Relations 15, no. 2 (May 1976), 191-205 (a comparison of centralized and decentralized models).

centralizing controls or have not presented viable alternatives, the
initiative has tended to be taken away from them. It is, of course, pos-
sible that they will be railroaded anyway, in which case they need mecha-
nisms for entering into wrenching political conflict.

Unions can provide broader support systems necessary to enter conflict
effectively. Thus far, faculties have been slow to develop alternatives.
If alternatives are to have clout, locally or at higher levels of government,
they will have to attain some features of collective bargaining, namely:
well-staffed and -financed organization, trusted leadership capable of
keeping in good communication with the membership, of sharing a well-articu-
lated community of interest with the membership, and of representing not
taking over the membership, procedures for regular planning and problem-
solving contact with other parties (including the handling of grievances),
and a clearly worked out range of sanctions to be applied if cooperative
efforts break down (strikes are last resort sanctions and are not always the
most effective).\footnote{In Tice (1976, footnote no. 1), see chapters by Robben W. Fleming, Robert G.
Howlett, James R. Thiry, Thomas M. Mannix, James P. Begin, David W. Leslie,
Ray A. Howe, Richard C. Richardson, Jr., Harold E. Yuker, Keith Groty,
Charles M. Rehmus, Terrence N. Tice, Alan R. Shark, and others}

(2) Does collective bargaining provide a means of handling conflict
superior to means that faculty have customarily used? It can, because it is
supposed to be carried out as an expression of joint commitment among the
membership and because the rules, if followed with understanding, are de-
signed to make solutions out of sharp conflict without necessarily making
enemies. Modes of conflict resolution customarily used by faculty have fre-
quently lacked the openness, fairness, accountability, rigor, and recourse
to further judgment that collective bargaining at its best possesses. If there is a will, many of these procedures can be learned and applied without collective bargaining. (This has been happening, on a low key basis and at very little cost, through the Economic Status of the Faculty Committee at the University of Michigan, cited by Hetenyi, and no doubt elsewhere.)

(3) Does collective bargaining entail a complete organization split between employer and employee? Greater wisdom than I now possess will be needed to answer that question definitively. A "yes" answer is too strong. Overlaps are occurring in other public employment groups. The department chairman issue typifies most of the difficulties encountered in higher education, for in nearly all institutions these persons serve essential bridge functions within and between both the employer and the employment group. Joint committees, like department chairmen, may well be thought to serve advocacy functions in some areas and cooperative-management functions in others, or sometime both in the same areas depending on the circumstance. Surely these difficulties are not beyond solution; and I do not believe that the various functions must be rigidly sorted into employer and employee pigeonholes. To make the split absolute misplaces the key issue, which is not how to tell in every instance exactly who "belongs" on one side of the fence or the other but how to effect meaningful procedures, policies and agreements in a way suitable to academic life.

Charles Hooper, of the College of Business and Economics at West Virginia University, has recently presented arguments to show that faculty

14 The original 1971 report, entitled "The Michigan Faculty: Report of the Committee on Rights and Responsibilities of Faculty Members," subsequent Senate Assembly Actions, and an introduction and update by me will be catalogued and made available through ERIC in 1977. Case studies on this and other schemes alternative to collective bargaining are almost completely absent in the literature.
do not fit any of the essential characteristics of employees in the private sector and that "no one group exhibits all of the characteristics of management in the private sector, and all of the groups combined do not exhibit the characteristics of management in the private sector."\(^{15}\) My own view is that if we do not feel comfortable with mechanisms derived from the past or from outside, then we must invent new ones. If invention seems terribly difficult, then we must learn how better to invent.

(4) An important factor in the ability of faculty to solve problems over the long term resides in the fact that faculty stay put more than do many other employment groups. Decennial Census data show that 32.3 percent of all those in the labor force had transferred to a different detailed occupation between 1965 and 1970. Only 22.5 of all professional, technical and kindred workers had transferred.\(^{16}\)

(5) Will it be possible in some manner to keep modes of decision-making on wages, hours and terms and conditions of employment separate from those used to deal with more strictly academic matters? A healthy controversy has grown over this issue.\(^{17}\) Most well-informed observers of faculty collective bargaining say "no." I suggest that there are good reasons to substitute a guarded "yes." How we answer depends on what we understand "separate" to

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\(^{17}\) The four annual Proceedings from 1973 through 1976 of the National Center for the Study of Collective Bargaining in Higher Education, entitled Collective Bargaining in Higher Education (New York: Baruch College -- CUNY), have all presented aspects of this discussion. The April 1976 proceedings are edited by Thomas Mannix. Also see Woodley B. Osborne, John Ryor, and Albert Shanker, "Three Union Leaders Talk About the Academic Future," Change 9, no. 3 (March 1977), 30-35.
mean. A systems perspective, which I would advocate, sees nothing as truly separate; but it can give room for a fairly steady separation of roles or functions. For example, when faculty salaries are under negotiation it would be wise for both "sides" to have given pragmatic attention to the following closely connected factors: (a) current and projected income and expenditure, consistent with the institutional mission, (b) planned institutional changes, short term and long term, the projected costs and the necessary savings or shifts of funds, (c) the needs of other employment groups within the institution, (d) what effects alternative salary settlements might have on any of the above, and (e) what changes in productivity or allocation of resources might either be made to help support a proposed settlement or be made instead of it because they have higher priority. Both "sides" can have participated in some manner in all these investigations. Differences of viewpoint can be expected on them all, not necessarily between employer and employees alone. Bargaining over salaries can help not only to define the issues but to develop pressure for forming more nearly adequate modes of institutional research, policy making and planning. Both effects are of great value.

Clearly, to the degree that such organizational prerequisites are lacking, any bargained settlement, if one is to be achieved at all, can claim only a commensurate level of rationality. Perhaps there was a day when good administration did not have to be so complicated; if so, that day is no longer. Although I hesitate to claim, as I hope, that we can make things much easier and more satisfying for ourselves by utilizing such procedures, I can at least expect agreement on the propositions that they bring much clarity into embattled, confused situations and that clarity is worth a great deal.
Here, again, the issue is not so much whether "traditional governance procedures" can long survive the impact of union contracts as whether we can let collective bargaining stimulate efforts to improve those procedures. I do not believe that "a whole new superstructure of administrators" will be necessary to bring this about. Both faculty and administrators, however, will have to train themselves to enter into more effective decision-making processes and, where necessary, to invent new ones.

(6) Will the use of collective bargaining or allied procedures require pinning down rights and responsibilities with ever greater precision, thus forcing both sides to operate more strictly "by the book"? This happens, but only where participants seek security in fixed results rather than in well-established processes. What do I mean? I mean that it is more satisfying and productive to live by the spirit of the law than by the letter of the law. I mean that the more efficient, long-lasting effects of collective bargaining, and the like, reside in the ongoing, flexible processes organizational life that it may engender, processes that mature with mutual experience, that rely more and more on professional competence and trust within broad but well-defined limits, that carry secure expectation of investigation and redress where that trust is either challenged or broken. Rules are not bad in themselves, but we can get too many of them. They can restrict freedom and growth. These negative consequences need not follow from the use of collective bargaining. They will not follow if there is a desire to learn how to work together -- as adversaries, as co-investigators, as problem-solvers, as utilizers of conflict. They will not follow if there is a desire to build simple enabling structures.

Conclusion

Waterbugs that I have observed by Pennsylvania's Youghiogheny River
trails a long camouflaging, protective house of leaves behind it. When I placed small obstacles in their path, the bugs stood stock still and did not resume their cautious movement for some while. Such procedures are adaptive for water bugs and in the quiet backwaters of rushing streams. They will not do for college people, especially not in our day and age. Our counterpart to appropriate instinctual response involves investigating, imagining, reasoning, planning, trying out, and forming judgments on the basis of learning mutually achieved. Today, moreover, these activities require getting into the main-stream of public events or at the very least taking cognizance of the broader societal situation.

Even those traditions to which we are especially attached often require some modification in order to be continually adaptive. If collective bargaining or alternatives are attractive options to explore, it is because they facilitate such humanly appropriate responses. Their attractiveness, therefore, lies not so much in what they convey from the past as in what they portend for the future, in the facilities they offer for further adaptive change.

For us there can be no stopping still and no "steady state", only further exploration, further self-training, further learning, and the ever fresh exercise of judgment. In serving these ends, collective bargaining can be adaptive too, as can other modes of decision-making that affect employment relations.