This document represents a substantial attempt to survey the literature of labor negotiations as it relates to the faculty in higher education. Works are included that provide a history of collective bargaining in the U.S. and the evaluation of the laws governing labor relations. The pros and cons on the applicability of various bargaining concepts to public employees can only be understood if the entire development of labor relations is known. Other works focus on concrete proposals for collective bargaining episodes and alternative methods of attaining the goals sought through professional negotiations. (HS)
COLLECTIVE BARGAINING
IN U.S. HIGHER EDUCATION: 1960-1971
A SELECTIVE BIBLIOGRAPHY

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**V. ADMINISTRATIVE AND JUDICIAL DECISIONS** .......................... 63
Collective Bargaining in U.S. Higher Education: 1960-1971: A Selective Bibliography represents a substantial attempt to survey the literature of labor negotiations as it relates to the faculty in higher education. Previous bibliographic coverage has been meagre or has formed only a part of longer bibliographies on the public sector of collective bargaining. The lack of adequate bibliographic treatment in this area may be due in part to the paucity of specialized material published in this field, and to the lack of interest in this subject during the sixties when the primary focus of interest was on the emergence of the student and his relation to the administration and the curriculum. There are strong indications, however, that collective negotiations between the faculty and administration will prove to be a key issue in higher education in the seventies.

The collective negotiation of contracts covering faculty at institutions in Michigan and New York, and the determination of appropriate representation units elsewhere, indicate that the drive for collective bargaining and negotiation sessions will face most states within the next few years. Competence in the handling of academic collective bargaining can only result from adequate preparation by the men on both sides of the bargaining table. This bibliography presents in a systematic manner an introduction to those materials necessary for an understanding of collective bargaining for those involved in these negotiations, and supplies access to information which will provide the observer with the means to correctly interpret these events.

In the context of this bibliography covering the growth of faculty collective bargaining in higher education, the term collective bargaining is used to cover the activities of those groups that have been active in organizing the faculty: the American Association of University Professors, American Federation of Teachers, and the National Education Association. Works are included that provide a history of
collective bargaining in the U.S. and the evaluation of the laws governing labor relations. The pros and cons on the applicability of various bargaining concepts to public employees can only be understood if the entire development of labor relations is known. Other works focus on concrete proposals for collective bargaining episodes and alternative methods of attaining the goals sought through professional negotiations.

Higher education, as used in this bibliography, denotes post high school institutions: colleges and universities and community colleges supported either publicly or privately. If the forces working for collective bargaining are to be understood, there must be knowledge of the present structures and philosophies found in institutions of higher learning. The shortcomings and successes of the system must be comprehended before changes can be made. Materials are assembled on actual operations of various institutions, the philosophical bases for the governmental systems found in higher education, and conditions or developments in specific institutions.

The faculty in higher education has been considered a special group not necessarily susceptible to the same problems, pressures, and desires as the rest of the population. As higher education has expanded its role in society, some of the myths surrounding the faculty have been dispelled. Literature in this bibliography hopefully presents a truer picture of the faculty which is so important to an understanding of the movement toward collective bargaining in higher education.

The materials covered range from works that interpret the meaning and role of institutions of higher learning in our society, to articles dealing with the development of collective bargaining in specific states. Pertinent laws in various states are also listed so a comparison of legal bases for public sector bargaining can be made.

This bibliography grew out of a request by an educational administrator for material on the faculty and collective bargaining, and should aid any administrator in preparing for
his first episodes in collective negotiations. The administrator will not only have access to materials that give a general view of the subject but also the specific developments within a particular state. Despite the origins of this bibliography it will be of use to the faculty involved in collective bargaining negotiations and to those academic departments treating higher education and labor relations. Departments of education should find the bibliography helpful in guiding students who are seeking an understanding of, or career in, higher education. Political scientists and their students should find this compilation useful in tracing the development of one aspect of the field of public sector labor relations. Students of economics or industrial relations may trace the growing militance of a sector of the economy.

Major groupings of literature in the bibliography are: books, periodical articles of a general nature, periodical articles dealing with specific incidents, Educational Resources Information Center documents, statutory citations, and administrative and court decisions. Books and articles of more than five pages are annotated. The principle subject headings are: General, Administration, Governance, Colleges and Universities, Community Colleges, Faculty, Collective Bargaining, Organizations, and National Labor Relations Board. Articles dealing with specific incidents and statutory citations are organized by state. The categories of literature are arranged from the most general, Books, to the most specific, Administrative and Judicial Decisions. A separate class is devoted to items found in the ERIC system, as most users would have easier access to the ERIC reproductions than the original documents. The entries under a type of literature are arranged alphabetically either by title or author. The alphabetical arrangement combined with subject headings should allow the searcher ready access to the information being sought.
The principle limitation of this bibliography is chronological, for citations included are limited to those works appearing between 1960-1971. Materials relating to the unionization of non-academic personnel are omitted from the bibliography unless there is a direct bearing on academic activities. Moreover, a substantial body of literature is omitted because it could not be examined in person. As efforts are made to keep this bibliography current by supplements, additional citations for the years 1960-1971 will be included. Some materials, however, may now be lost forever because they were unpublished, considered ephemeral or given limited distribution at the time they were produced.

The citations listed in this bibliography should provide a foundation for the study of collective bargaining developments in higher education. If an individual needs additional information, the references listed will indicate where further data can be found. It is expected that future annual supplements will incorporate additional retrospective findings with citations of current developments.

Criticisms and comments are welcome on this first publication of what is planned as a continuing bibliographic series of the Iowa State University Library. It is our hope that opinions and suggestions will be forthcoming on this bibliography so that these may be included in future supplements and cumulations when issued. As in most ventures, any shortcomings or failings must be attributed to the compiler. The compiler is indebted to the Library and its Director for the encouragement and support given during the compilation of the bibliography.

Kenneth E. Marks
Reference Librarian
Ames, Iowa, 1972
BOOKS

A. GENERAL


Barzun, Jacques. The American university; how it runs, where it is going. New York: Harper & Row, 1968. Significant aspects of the university and their relation to the philosophical concept of a university are described.

Birenbaum, William M. Overlive; power, poverty, and the university. New York: Delacorte Press, 1969. Some of the crises facing higher education are reviewed and possible solutions presented.


Kaysen, Carl. The higher learning, the universities, and the public. Princeton, New Jersey: Princeton University Press, 1969. An examination of the relation of the social function of higher education to its financial support and the arguments that have been used to gain public support.

Kerr, Clark. The uses of the university. Cambridge, Massachusetts: Harvard University Press, 1963. The new position of the university or "multiversity" in society resulting from recent developments is evaluated.

A. GENERAL

A collection of papers covering a wide range of the problems facing higher education. The essays by Moskow deal specifically with the impact of collective bargaining.

An answer is sought to the disruptions which struck higher education at a time when education was succeeding as never before.

The characteristics and fate of the universities are described in these essays.

Three subjects are reviewed in these essays: university growth, internal coherence and systems.

Another series of essays dealing with new and continuing problems in higher education. Section V on governance is especially relevant.

A collection of the essays presented at the 26th AAHE Conference covering current developments in higher education. The essay "Tenure and Collective Bargaining" by William W. Van Alstyne discusses the affect of collective bargaining on tenure.

A series of essays examining the various pressures being exerted on higher education and the responses to these pressures.

The future of the state university based on its historical performance is discussed.

A working definition of higher education applicable in this time of crisis is the author's goal.
B. ADMINISTRATION


A study of faculty compensation at 14 colleges and universities; some general conclusions are presented as well as specific data.


General guidelines are suggested for internal organization based on general information derived from statistical data.


An analysis of problems facing university administrations based on large operational groups.


A view of the university emphasizing policies and administrative practices that can form a workable unit.


A collection of essays examining university administration and the most promising methods of educational administration.


A statistical survey of personnel practices and policies in approximately 200 institutions of higher education is reported.


A sociological study of administration and the part power plays in the actions of administrators.

B. ADMINISTRATION

The department in higher education and the problems and operations peculiar to this level of administration are examined.

Luthans, Fred. The faculty promotion process; an empirical analysis of the management of large state universities. Iowa City: Bureau of Business and Economic Research, College of Business Administration, University of Iowa, 1967.
A study attempting a systematic description and analysis of the faculty promotion process.

The problems in the administration of higher education in terms of its purpose of intellectual training are studied.

These essays provide thoughts on program budgeting, organization, decision making, finances and communications in higher education.

The structure and form of bureaucracy in higher education are the subjects of this study.

The problems and objectives of university governance and administration are presented.

C. GOVERNANCE

The findings and recommendations of this task force regarding faculty participation in university governance are presented.
C. GOVERNANCE

Sociological analyses of complex organizations are used to examine the decision making processes in the modern university. The argument is advanced that decision making is a political process and not bureaucratic.

An inquiry into and an analysis of governance in higher education and the changes to be made to meet the demands of the future.

The results of a study that investigated faculty attitudes and perceptions regarding their role in the academic decision making process.

A study of the goal perceptions of faculty and administrators and the difference between these perceptions and the ones held by the individuals responsible for setting the goals.

Various alternatives for faculty participation in higher education are presented.

A collection of essays on the government and governance of institutions of higher learning.

A collection of papers focusing on the strains and tensions in higher education that relate to the governing capacity. Special emphasis is given to the groups of people found in universities and their changing relationships.
C. GOVERNANCE


Economic and power models are combined to arrive at a workable framework for transactions in the academic community.


Issues involved in collective negotiations in higher education are dealt with and various forms of collegiate government are differentiated.

D. COLLEGES AND UNIVERSITIES


Legal decisions pertaining to higher education are presented to show how courts are reviewing questions of discretion as well as authority.


An examination of the characteristics of the municipal university and their differences from the rest of the higher educational community.


Views of faculty members who participated in the strike at San Francisco State College are presented.


The results of an investigation of the formal and informal methods of faculty participation in governance at the University of Minnesota are reported.


Fresno State College is the subject of this study on the nature and effectiveness of faculty organizations and government. The results are based on interviews with faculty and administrators.
D. COLLEGES AND UNIVERSITIES

   A report of the perceptions, attitudes and expectations of legislators and state executives toward higher education based on interviews held in 1968.

   A collection of essays concerned with the current status of colleges and universities emphasizing governance and goals.

   A wide ranging group of seminar papers concerned with educational policies and management problems.

   The development of the AFT at the college and university level is traced and likely avenues of growth are predicted.

   The private liberal arts colleges and their faculties are examined as social systems and parts of the higher educational system.

   Selected essays that consider some of the potential areas where dangerous confrontation may occur are presented.

   An attempt to understand some of the sources of conflict and unrest on campus and provide possible means for the settling of some of the resulting crises.
E. FACULTY

   A study of the academic labor market derived from statistical data.

   A statistically based report and commentary on fringe benefits beyond salary, retirement and insurance.

   A collection of papers attempting to present some of the facets of faculty life and important issues to a gathering of state legislators.

F. COLLECTIVE BARGAINING

   Chapter 3 reviews the development of collective bargaining in the public sector. The remainder of the book presents background information on various aspects of collective bargaining.

   The three laws in California covering public employees are reviewed and compared.

   A study of the nature of collective bargaining that stresses the evolutionary development that has occurred.

   A variety of attitudes, approaches and suggestions for collective bargaining are presented in the papers from this conference.

F. COLLECTIVE BARGAINING

The results and discussions of this annual conference governing major areas of concern in collective bargaining are presented.


The entire field of collective bargaining is investigated emphasizing the successes and failures of both sides of the bargaining table. Chapter 13 deals specifically with public sector negotiations.


The "effective means of dispute resolution in the public sector" is covered in this paper.


The report of a symposium on collective bargaining and possible variations that are available for use.


A collection of essays presenting the evolution of collective bargaining in education during the 1960's.


The act establishing the PERB in Hawaii and the problems confronting the Board are the focus of this conference. Experiences of similar boards in four other states are reviewed.

Gorman, Robert A. Memorandum to Bertram H. Davis, General Secretary, AAUP. Statutory responses to collective bargaining in institutions of higher learning. January 4, 1968.

"Specific legislative proposals" to further the AAUP policy on university government and representation of economic interests are set forth.


Recommendations for legislative and administrative action in the area of public employee relations are presented.
F. COLLECTIVE BARGAINING

A book arranged in a question and answer format to provide management personnel with public sector collective bargaining information.

Presentation of materials from the conference examining the applicability of experience in the private sector to the public sector.

Selected papers presented at a conference to study the growth and impact of public employee organizations in public agencies on the determination of various factors in public employment.

The statements of this conference are pointed at developing the circumstances under which constructive changes in public sector collective bargaining can occur.

The session reports of this conference attempt "to analyze the phenomenon of public employee organization" and associated problems that have caused uncertainty.

A study of the status of collective bargaining in public education and investigation of major issues confronting the people and organizations involved in the bargaining drive.
F. COLLECTIVE BARGAINING

Prospects for the development of public sector collective bargaining are discussed from a background of private sector developments.

These collected articles review the development of public sector collective bargaining and the problems and practices that have evolved in the past few years.

The "uniqueness and similarities" between public and private sector collective bargaining are explored.

Psychological aspects of the negotiation process are discussed with the liberal use of examples.

Recommendations for legislative and administrative action on public employee relations made by the Commission are presented.

Papers and discussions from a conference that concentrated on adapting lessons from the private to the public sector are presented.

Although this book reviews the political characteristics of public school teacher groups; certain analogies can be drawn to potential conditions in faculty groups.

F. COLLECTIVE BARGAINING

Information concerning the Michigan Public Employment Relations Act is set forth so individuals participating in negotiations under the Act will be able to perform at their best.


Although the subject of this book is collective bargaining in the public schools based on experiences in the Philadelphia school system, there is a substantial amount of information of use to higher education.


A specialized theoretical framework for collective bargaining with emphasis on communication and information flow is produced.


The contest between the NEA and AFT for public school teachers from 1962 to 1966 is described. Although public school teachers are the subject, there is a large amount of information appropriate to higher education.


The development of laws on collective bargaining and current labor relations problems are examined.


These conference papers present a view of collective bargaining practices in the U.S. and Canada for comparison of public sector activities.


The structure used by public management in dealing with employee groups and emerging practices are described in this book.
II. PERIODICALS

A. ARTICLES PRESENTING GENERAL MATERIAL:

1. GENERAL:


The history of the conflict between administrators and faculty over governance is traced from the beginnings of the modern American university to the resulting development of the AAUP.

"Bill to cover state employees under FLSA reported to House." College and University Reports. 340: 2. December 6, 1971.


Comparison of the competing groups in the organizational structure is presented with the author indicating the more conservative groups have the edge.


Views on the new importance of collective bargaining and the status of higher education are presented.


A review of the general situation in higher education is presented while touching on modes of representation, laws governing collective bargaining and appropriate unit questions.


A statement that pictures the law as a living, growing code is used to show the legal trends in higher education.


A preview of some of the problem areas in relation to personnel with emphasis on behavioral science approaches to solutions.
1. GENERAL:


A variety of subjects are covered in this article including applicable laws, organizations and activities.


A copy of a bill drafted by the American Federation of State, County and Municipal Employees and introduced in Congress April 30, 1970, is presented.


General comments are made describing some of the activities that can cause union activities to occur and how these causes can be eliminated or avoided.


The course of the drive for public employee unionization is traced over the past 25 years.


Basic financial and administrative restrictions on the power of local governments as they relate to collective bargaining are the subject of this article.
1. GENERAL


"The total area of public employee relations" is reviewed. This includes state and local legislation, court and attorney general opinions and major issues.


Nine reports representing a body of opinion on public sector unionization are discussed in a limited manner.


This is a chart listing "statutes, attorney general's opinions, and selected court decisions" so states may be compared.


The public employee's right to organize and bargain collectively is examined briefly and a number of proposals are made that would increase the employee's participation but not give full organizing and bargaining rights.


Several possible areas of concern for academic personnel relations are examined in a cursory manner.

2. ADMINISTRATION


The need for an administration of the type found in most U.S. higher education is supported as opposed to the types of administration found in other higher educational systems.


The grievance procedure for this multi-unit system is described and some of the problems that arose in adopting the plan are included.
2. ADMINISTRATION:


A statement of some of the issues that create discord between faculty and administration.

The challenges of the upcoming decade are forecast so personnel administrators can plan their actions rather than being controlled by the problems as they arise.

The organizational structure is held to be the source of many of the tensions afflicting higher education so some of the organizational changes that have occurred in universities are explored.

This study of a state university attempts to determine the reasons for variations in formalized administrative procedures between teaching departments.


This essay attempts to clarify ideas concerning "the source, basis, distribution and administration of academic authority."


The article considers from a theoretical and practical standpoint what the role of the personnel director should be as the faculty consider collective bargaining.
2. ADMINISTRATION:


Governmental involvement in academic personnel matters, the history and possible future developments are reviewed and the resulting impact on personnel matters are forecast.


Observations are made on the Fair Labor Standards Act, its applicability to higher education and problems of implementation.


The changes in the basic doctrines and practices of public administration resulting from collective bargaining are discussed.


Evidence supporting the advantages of group activities is presented and conclusions are made which are then applied to the role of the faculty in academic administration.


Some of the essentials for good union-management relations are examined from the management position. The advantages of advanced planning are stressed.


The need for better relations between the professional administrators in higher education and professors because of the interest of the public in education is discussed.
3. GOVERNANCE


This is a report on faculty participation in the governance at institutions that have AAUP chapters based on self surveys at each institution.


The groups contending for internal decision making power are presented and some alternatives to traditional governance patterns are reviewed.


The difference between the actual and alleged power of the faculty is discussed. Some ways of changing the actual state of governance are indicated.


The alternative methods available to the faculty for self-government and the problems occurring in each alternative are described.


Dykes, A.R. "Faculty participation in academic decision making." Liberal Education. 54: 394-408. October 1968.

The report of a study "designed to assess attitudes and perceptions of faculty members regarding faculty participation in academic decision making."

3. GOVERNANCE

   The question of how collective bargaining will affect the decision making structure in higher education is discussed from the position of the CUNY experiences.

   After a brief comparison of the AAUP, NEA and AFT, a charter outlining the rights of governance for senior universities is proposed.

   This essay examines role conflict in major universities as a potential obstacle to achieving full faculty consensus so the faculty can participate in the governance process.


   This is a systematic review of case histories and policy statements to trace the development of the academic due process concept.


   The proper roles of the faculty and administration are discussed with special attention given to the place of the president.
3. GOVERNANCE


The reasons for difficulties between faculty and administration are attributed to different interpretations and a change in the structure of the university.


The question of governance is analyzed from the basis of how decisions in government ought to be made.

4. COLLEGES AND UNIVERSITIES


A brief view of the faculty strike and the application of relevant principles from AAUP policy statements.


The first of a three part series studying labor relations. The case study technique is used to describe developments at the Universities of Michigan and Wisconsin. Part one is general in coverage and describes the earliest activities.


This second part is devoted to the development of collective bargaining activities at Wisconsin and Michigan.
4. COLLEGES AND UNIVERSITIES


The final part of the series presents five case studies to show the various surroundings and responses to labor relations activities in higher education.


A study of the faculty senate at Western Michigan tracing the senate's evolution from its organization in 1957. Advantages and disadvantages of the particular body are reviewed and evaluated.


A follow up study on participation in government at the University of Minnesota that shows no real changes occurred in a 13 year period in the placement of power.


The role of the faculty in the government of the university at Berkeley is examined emphasizing the strong points and shortcomings of the system.


This article is the mediator's presentation of the conditions that led up to the TAA strike and the subsequent events that occurred. The implications of the episode at Wisconsin are considered.


The process that brought organized labor to the faculty at Central Michigan University is presented in detail from the first tentative steps to the ratification of a contract.
4. COLLEGES AND UNIVERSITIES


A brief history of the move to collective bargaining in California State Colleges and a review of questions and answers on issues that were important.


An administrator's personal account of the experience of negotiating one of the first major collective bargaining agreements in higher education.


A brief history of the move to collective bargaining at CUNY is presented by a faculty member.


The activities and conditions that culminated in the TAA strike are presented and held to represent a facet in the emergence of the rule of law in the university community.

5. COMMUNITY COLLEGES


The structure and operation of the collective bargaining procedure are described to show the variations that have developed.

5. COMMUNITY COLLEGES

Some of the essential problems surrounding the growth of collective bargaining in junior colleges are examined.


A general review of developments in faculty representation at community colleges and arguments supporting the combining of unionism and professionalism are presented.

6. FACULTY


The case is argued that no institution of higher education can rightly by-pass faculty participation in any important undertakings.


The author declares little research has been done on faculty authority. He proceeds to speculate on the faculty role in government and administration in higher education, means to avoid conflict and strong faculty control to guiding colleges and universities.


The increasing faculty demand for a greater role in policy making in higher education is forecast.


6. FACULTY

The impact of collective bargaining on the traditional faculty roles and rights is considered.

Faculty morale is viewed from the position of the faculty and reasons are stated for morale not being high.


The changing position of the faculty member and the university are used to dispell myths why the faculty won't organize.

The growth of faculty militance, the forces causing militancy, the implications of militance and a comparison of AAUP and AFT positions are covered in this article.


The question of what the faculty should or should not do in regard to strikes is raised. An answer is proposed by considering the ideals of the faculty and the implications of various types of strikes for the ideals.

6. FACULTY


Some of the conditions in higher education and society that will influence the move to collective bargaining in higher education are described.


The argument that collective bargaining is the only way to restore professionalism to higher education is advanced.


An attempt at understanding faculty demands is made by examining developments in the faculty and higher education since 1960.


6. FACULTY


Some of the myths about higher education and the unionization of faculty are treated in this article. The author says these rationales cannot stand against the realities in higher education today.

"Unionization of faculty expected to pick up speed because of tight money and Ph.D.'s." College Management. 6: 38. September 1971.


7. COLLECTIVE BARGAINING


The arguments for and against the right to strike in public employment are discussed so collective bargaining proposals can be evaluated.


The first test of the Pennsylvania Public Employee Relations Act is examined to find reasons for the Act's failure to work. Corrections in the act are proposed.


An industrial relations model is applied to higher education and the results are used as the basis for general comments.


A review of contracts covering nonacademic personnel and union security provisions. This provides information that academic personnel can use in bargaining.
7. COLLECTIVE BARGAINING


The provisions of contract clauses are analyzed indicating little difference in the concerns of private and public employer. In spite of the contracts being for nonacademic personnel there is information present for the faculty.


Although the article covers nonacademic personnel procedures, it is important for the information provided regarding the establishment of grievance procedures in higher education.


The various steps in the unionization of an institution of higher education are examined in some detail.


The question of whether the strike in the public sector should be allowed and, if so, should conditions be set by law before a strike can take place.


The reasons for the spread of collective bargaining are analyzed and methods of reconciling academic values and collective bargaining are suggested.


The collective bargaining agreement at Central Michigan is examined by an administrator with emphasis on issues and structures.


The fiscal judgments of collective bargaining are discussed from the assumption they are made in a political context.
7. COLLECTIVE BARGAINING


An analysis of some of the problems that arise during collective bargaining based on the experiences at Wisconsin.


Brief historical view of the attempt to enact public employee bargaining legislation in Illinois and its opposition by organized labor.


The scope of collective bargaining for the professional employee aside from the issue of public sector employment is discussed in this article.


Objections to the implication of a right to engage in public sector collective bargaining are listed. Some proposals are made for a structure within which collective bargaining could occur without hindrance to community services.


The effectiveness of impasse procedures under the Taylor Law are covered in general and factors related to fact finding in public teacher disputes are analyzed.
7. COLLECTIVE BARGAINING

Although the purpose of this article is a review of areas of disagreement between teacher groups and boards of education with tentative solutions advanced, there are many analogies that can be drawn to higher education.


The slow but steady change in attitudes and actions toward public sector labor relations is sketched. Changes at the Federal, State and local levels are included.


"The nature and the validity of the theories used to prohibit or permit public sector strikes are discussed with major emphasis given to the activities of teachers.

"How are faculty bargaining units determined?" College Management. 6: 14. February 1971.


The question of prohibiting strikes in the public sector but still providing the right to organize and bargain collectively in public employment is examined.

7. COLLECTIVE BARGAINING

The advantages and disadvantages of the Taylor law after approximately one year in use are described and some modifications are recommended.


The existing legislative and judicial rulings that make up the framework in which collective bargaining is carried on in higher education are reviewed. The need for increased governmental participation is considered.


The question and answer format is used to describe the process by which administrators should prepare for the possibility of union activities among the faculty.


The possibility of student involvement in collective bargaining by the faculty is considered and how such involvement is likely to occur.


Some of the basic ideas in collective bargaining are discussed and the question of unit determination is examined as it applies to higher education.


The existing and proposed agencies for regulating public sector collective bargaining are examined and influential philosophies, organizations and interests are reviewed.


The growing inadequacy of Illinois law as it relates to public sector unionism and collective bargaining is reviewed.
7. COLLECTIVE BARGAINING


The legal status of the right to strike in the public sector is reviewed, theories used to prohibit strikes are analyzed and developing alternatives to public sector strikes are examined.


The public sector collective bargaining process is examined in detail with reference to specific Massachusetts legislation.


The results of a survey of grievance procedures are examined as well as some specific case situations being presented. Although the cases involve nonacademic personnel, the same procedural framework would apply to academic staff.


This article attempts to determine why state laws prohibiting public employee strikes are ineffective, decide what public policy in this area should be and give the essentials of a statute that would cover public policy.


A theoretical collective bargaining model is presented that allows such activities to be forecast at various types of higher educational institutions.


The conceptual and legal requirements of collective bargaining as applied to the public sector are reviewed. Problems in government and bargaining approaches are presented.
7. COLLECTIVE BARGAINING


Comments are made on the future of public sector collective bargaining emphasizing the possibility of a backlash and methods to combat such a development.


The use of a professional negotiation approach in North Carolina public sector bargaining is explored and legislation that would be the most effective in preventing public sector disputes is recommended.


The necessity of protecting individual constitutional rights in dealing with the government while exclusive bargaining rights are granted to a representative organization is discussed.


Present state legislation governing public sector strikes and existing procedures for collective bargaining in the public sector are evaluated and recommendations for changes are made.


The text of a model public employees collective bargaining act drafted for the State of Florida is printed in its entirety.


A description and comparison of the "professional" or traditional association and the union as vehicles for representing the academic community.

F. COLLECTIVE BARGAINING

This article examines aspects of the appropriate unit question that are peculiar to the public sector. Special emphasis is placed on the problem of proliferation of units.


The issues of necessity, power and equity in public sector collective bargaining are examined.


The suitability of collective bargaining to higher education is questioned and some of the changes in collective bargaining resulting from the conditions peculiar to higher education are examined.


General developments in public sector collective bargaining are reviewed and some major options for Iowa are considered.


The existing state statutes and Federal Executive Order No. 10988 are analyzed to see if the collective bargaining process has been helped and if the threat of strikes has been eased by the legislation.


The states are urged to develop a variety of policies to cover the important areas of labor relations which are not subject to federal labor legislation.


The past, present and future of state labor legislation based on the actions at the Federal level are reviewed.
7. COLLECTIVE BARGAINING


The concept of unit determination, the legal decisions interpreting the concept and the present standard are discussed.


The ambiguity in terms such as "hours" and "wages" is analyzed and an attempt is made to clarify some of these ambiguities in public sector collective bargaining by examining statutes, court decisions and bargaining results.


The decisions of the U.S. Supreme Court that have attempted to balance government and individual rights are reviewed to determine how collective bargaining may be used to advantage.


The determination of employment terms by collective bargaining is discussed and some alternatives to the strike as a means of settling disputes over terms and conditions of employment are proposed.


The Taylor Law of the state of New York and the New York City Collective Bargaining Law are compared regarding their ability to maintain the proper balance in public employee collective bargaining.


The extension of collective bargaining to the public sector is examined in the view of a sympathetic treatment of the doctrines of the sovereignty of the public employer and the illegal delegation of power.
7. COLLECTIVE BARGAINING


Questions examined in this article are: should there be a single structure at either the federal or state level to govern labor relations, the impact of collective bargaining on the role of government, if strikes in the public sector are prohibited what should replace them.


The statutory guidelines and possible legislation are described for collective bargaining in higher education in Wisconsin.


The characteristics of public employment which cause collective bargaining to apply badly are examined in detail.


The past and future of collective bargaining in higher education are viewed and major issues common to collective bargaining are summarized.


Significant developments that influenced or created trends in educational collective bargaining between 1960-1970 are reviewed. To be significant "institutional dogma" had to be changed and the change has to be likely to survive.

8. ORGANIZATIONS


8. ORGANIZATIONS


A review of the attempt by the AAUP to have the NLRB invoke its rule making authority to clarify issues that have arisen in faculty representation cases is presented. The petition was denied by the NLRB.


The influence of the structure of the AAUP on its dispute settlement principles is analyzed and some recommendations are made for future developments.


A study of the AFT, its successes and failures, and its membership during the strike at San Francisco State College.
8. ORGANIZATIONS


Parallel drafts from the Association and a local chapter covering faculty participation in governance are presented.


Faculty organizational developments since 1967 are analyzed.


The growth of the AFT local since 1961-62 at the University of Toledo is described.


The history of the AFT backed graduate students' local formed at Berkeley in 1965 is traced. There is an attempt to determine if a union of this type of membership can endure.


A review of the AAUP based on the question of how well it is meeting the crisis in higher education and its obligation to the faculty.
8. ORGANIZATIONS


The positions of the AFT and AAUP on issues concerning the faculty are discussed. Some comments are made on instituting more effective faculty associations.


The convention proceedings of the NEA for 10 years are examined to determine changes in attitudes toward collective bargaining, strikes and economic sanction and whether the changes have been influenced by the AFT.


An examination of the AAUP as a quasi-union based on a brief sketch of its past history. Some comments are made about future development.

9. NATIONAL LABOR RELATIONS BOARD


Provisions of the Taft-Hartley Act that may be important to higher education because of the Cornell decision are examined.
9. NATIONAL LABOR RELATIONS BOARD


"NLRB changes ruling for cases involving private universities and their employees." College and University Reports: New Developments. 15,178 (14,389-14,398). The full text of the decision in Cornell University et al. (1970) 183 NLRB is presented.


9. NATIONAL LABOR RELATIONS BOARD


"NLRB sets jurisdictional standard for private nonprofit colleges and universities." College and University Reports; New Developments. 15,331 (14,459).


An attempt is made to determine the definition of "private nonprofit colleges and universities" as used by the NLRB in the Cornell decision.

"Schools with $1 million gross annual revenue subject to NLRB." College and University Reports. 287: 1. December 7, 1970.


The developments in the NLRB attitudes toward private colleges and universities as they led to the Cornell decision are reviewed.
B. ARTICLES COVERING INCIDENTS IN SPECIFIC STATES

1. ALASKA:


2. CALIFORNIA:


"Public teacher strikes are unlawful in California: Appeals Court." College and University Reports. 297: 3. February 15, 1971.


3. CONNECTICUT:


"New Haven College and NHC Faculty Federation, AFT, and New Haven College Board of Faculty Welfare (Case No. E-1926) and New Haven College and Jerome Ellison (Case No. U-1950, Decision No. 963-A, December 30, 1970).
3. CONNECTICUT:


4. DELAWARE:


5. HAWAII:


6. ILLINOIS:

"Board of Governors of the State College and Universities (Illinois) and Council 34 of the American Federation of State, County and Municipal Employees." Arbitration in the Schools. Report 4: 6, 4-AH-17. June 1, 1970.


"Board of Junior College District 508, Cook County, Illinois and Cook County College Teachers Union,
6. ILLINOIS:


   "Supreme Court refuses to rule on junior college teachers' strike." College and University Reports; New Developments. 14,518 (15,457).

   "Supreme Court refuses to rule on junior college teachers' strike. College and University Reports. 312: 1. June 1, 1971.

7. IOWA:


7. IOWA:


8. KANSAS:


9. LOUISIANA:


10. MAINE:


11. MASSACHUSETTS:

11. MASSACHUSETTS:

"Massachusetts Commission divides teaching faculty from


"NLRB asserts jurisdiction over Boston College case." College and University Reports; New Developments. 14,462 [15,340].


"Southeastern Massachusetts University (Massachusetts) and Southeastern University Federation, Chapter 1895.". Arbitration in the Schools. Report 17: 5, 17-KT-8. July 1, 1971.

12. MICHIGAN:


12. MICHIGAN:


"Faculty unit at one Michigan State University College found inappropriate." Negotiation Research Digest. 4(8): 11-12. April 1971.
12. MICHIGAN:


12. MICHIGAN


"Wayne State University (Michigan) and American Federation of State, County and Municipal Employees, Local 1497." Arbitration in the Schools. Report 7: 4, 7-S-10. September 1, 1970.

13. MINNESOTA:


14. MISSOURI:


15. NEBRASKA:


16. NEVADA:


17. NEW JERSEY:


"NLRB asserts jurisdiction in Yale University case." College and University Reports, New Developments. 14,424 [15,243].

"NLRB asserts jurisdiction over Yale University on the facts." College and University Reports. 272: 1. August 31, 1970.


18. NEW YORK:


"Community college teachers ordered to adhere to new work rules." College and University Reports. 332: 6. October 18, 1971.
18. NEW YORK:


"Court cancels election because PERB expanded unit to include employees already presented." Government Employee Relations Report. 416: B-3-5. August 30, 1971.


"Faculty to hold bargaining elections at Long Island University." College and University Reports. 309: 3. May 10, 1971.


18. NEW YORK:


"Long Island University falls under NLRB jurisdiction; faculty bargaining elections approved." College and University Reports; New Developments. 14,506 [15,436].


"NLRB says Fordham faculty bargaining unit may include department heads." College and University Reports; New Developments. 14,564 [15,576].


18. NEW YORK:


18. NEW YORK:


"State board stands its ground in university employees case." College and University Reports. 227: 5. October 20, 1969.

"State of New York (State University of New York) and State University Federation of Teachers, Local 1733 AFT; Local 1655 AFT; Local 1669 AFT; Local 1679 AFT; Local 1736 AFT; and Civil Service Employees' Association and Council of Affiliated Chapters of the American Association of University Professors in the State University of New York and Senate Professional Association (Case Nos. C-0253; C-0260; C-0262; C-0263; C-0264; C-0351, January 23, 1971)." Government Employee Relations Report. 411: C-3. July 26, 1971.


18. NEW YORK:


19. NORTH DAKOTA:


20. OHIO:


21. OREGON:


22. PENNSYLVANIA:


23. RHODE ISLAND:


24. VERMONT:


25. WASHINGTON:


25. WASHINGTON:


26. WISCONSIN:


"University of Wisconsin, Milwaukee and American Federation of State, County and Municipal Employees, Council 24, Local 82."
26. WISCONSIN:


"Wisconsin University teaching assistants' strike ruled illegal at common law; contempt charges assessed." Negotiation Research Digest. 4(2): 5-6. October 1970.
III. EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) MATERIALS


Reiss, Louis C. Faculty Governance in Turmoil--Who Speaks for the Junior College Professor. Long Beach, California: California Junior College Faculty Association. December 1967. ED 017 250.


IV. STATUTORY CITATIONS

CALIFORNIA:

California Government Code, Sections 3500-3511 (West Supplement 1968) (excluding school district employees).

CONNECTICUT:

Connecticut General Statutes Annotated. Sections 7-467 to 478 (Supplement 1969). (municipal employees).


DELAWARE:

Delaware Code Annotated. Title 19, Sections 1301-1313 (Supplement 1966).

HAWAII:


MASSACHUSETTS:

Massachusetts Annotated Laws, Chapter 149, Sections 178g-n (Supplement 1967).

Massachusetts Annotated Laws, Chapter 149, Section 178f (Supplement 1968) (state employees)

MICHIGAN:

Michigan Compiled Laws Annotated, Sections 423.201-216 (1967) (Hutchinson Act).

Michigan Statutes Annotated, Section 17:455(1) et seq. (1965).

MINNESOTA:


MISSOURI:

Missouri Revised Statutes, Sections 105.500-.530 (Supp. 1968).

NEW JERSEY:

New Jersey Revised Statutes, Section 34: 13a-1 et seq. (1968).
NEW YORK:

New York Civil Service Law, Sections 200-12 (McKinney Supplement 1968) (Taylor Law).

OREGON:

Oregon Revised Statutes, Sections 243.710-.780 (1967).

PENNSYLVANIA:


RHODE ISLAND:


Rhode Island General Laws, Sections 28-9.4-1 to -19 (1969) (municipal employees)

Rhode Island General Laws, Sections 36-11-1 to -6 (Supplement 1967) (state employees)

VERMONT:

Vermont Statutes Annotated, Title 21, Sections 1701-05 (Supplement 1968) (municipal employees).

WASHINGTON:

Washington Revised Code Annotated, Title 41.56 (Supplement 1967).

WISCONSIN:

Wisconsin Statutes Annotated, Sections 111-70(1) to (5) (Supplement 1969) (municipal employees).

Wisconsin Statutes Annotated, Sections 111.80-94 (Supplement 1969) (state employees).
V. ADMINISTRATIVE AND JUDICIAL DECISIONS:

Injunction compelling city public college to bargain with union as exclusive representative of teachers is denied, despite claim that city denies equal protection by negotiating with other unions—Beauboeuf v. Delgado College (District Court Louisiana [1969]) 72 LRRM 2222.

Jurisdiction is asserted over Cornell University and Syracuse University under new policy of asserting jurisdiction over private colleges and universities whose operations have substantial effect on commerce. (183 NLRB no. 41 [1970]) 74 LRRM 1269.

Jurisdiction is asserted over nonprofit corporation affiliated with University of Chicago, grossing 1.8 million for conducting surveys for universities, foundations, and government agencies, having 2.5 million contract with federal government. (187 NLRB no. 93 [1970]) 76 LRRM 1090.


Michigan Labor Mediation Board has jurisdiction over Eastern Michigan University as public employer within Michigan Public Employee Act (S11 32:265). Opinion of Attorney General of Michigan, as to collective bargaining by employees of University of Michigan, is applicable—Eastern Michigan University. (Michigan Labor Mediation Board [1966]) 64 LRRM 1396.

New Jersey Governor, and not State Board of Higher Education, is "employer" of state college employees within meaning of state constitution and labor act—New Jersey State College Faculties, Inc., Assn. of v. Board of Higher Education. (New Jersey Superior Court Law Division [1970]) 75 LRRM 2613.


Teachers union may not compel college, which is agency of New Orleans and supported by Louisiana, to bargain with union—Beauboeuf v. Delgado College (U.S. Court of Appeals [1970] affirming 72: 2222) 74 LRRM 2767.
Trial court properly enjoined teachers at state college from striking, picketing and interfering with college activities, strike being unlawful. (California Court of Appeals [1970]) 76 LRRM 2265.