

The State University of New York Prior to Unionization

Beginning with the founding of Harvard College in 1636, for over 200 years American higher education was predominantly the preserve of privileged white men, both as students and as faculty. Yes, there were some exceptions, such as the female seminaries that began appearing in the mid-1700s to prepare genteel women as teachers, followed in the 1800s by a number of public normal schools. But the widespread access to public college education we know today has its roots in the Morrill Act of 1862. When Abraham Lincoln signed it into law, many states took advantage of its generous provisions to establish land-grant state universities. We can thank the Morrill Act for such public institutions as Ohio State University, Purdue University, and scores of other equally great institutions. New York State's politicians used the Morrill Act in a very different way. Rather than create a state university, they established a great new private institution, Cornell University. Shocking as this may seem to some contemporary readers, in New York State the use of public funds to establish a private university was in keeping with long-standing public policy. Understanding this historical bias in favor of private institutions is essential to understanding the origins and development of higher-education unionism at the State University of New York (SUNY).

Prior to the formation of the United States and continuing to this day, the story of higher education in New York State, which predates SUNY by more than 150 years, is a tale of public support for private institutions. Not surprisingly, the privates wanted to keep it that way. For decades they used their political clout to squelch any attempts to create a state university. Responding to the rising postwar demand for public higher education, in 1948 New York State became the last state in the nation to create a public university. Nonetheless, the politically powerful private colleges convinced the state legislature to make sure the new university would only supplement rather than compete with them. Consequently, SUNY was not established to be a nationally esteemed scholarly

community. From the start, the new university was not committed to hiring a first-rate faculty and did not embrace the important practices of shared governance. Instead, SUNY's campuses were largely staffed with faculty who lacked doctoral degrees and administered with a paternalistic top-down managerial style. It is not surprising that SUNY unionized fairly early in its history, and when it formed a union—the United University Professions—it immediately became the largest organized university system in the country.

SUNY remained a parochial second-rate institution for the first decade and more of its existence. This began to change during the expansionary years of the Rockefeller administration. Galvanized by the passing of New York's Education Act in 1961, and guided by a governor who wanted a first-rate public university, the university eventually reached a rough parity with the privates. Nevertheless, the old historical issues remained. Resentment toward SUNY's top-down management style made an increasingly better credentialed faculty recognize the United University Professions (UUP) as its collective bargaining agent in 1973.

This chapter traces the historical rise of the private colleges and universities in New York State, the role the state played in promoting their interests, and how their dominance helped shape the terrain on which SUNY and UUP were created and evolved. It also examines the massive changes at SUNY during the Rockefeller years, the university's rapid growth and bureaucratization, and the emergence of a new generation of faculty who ultimately embraced unionization as the vehicle to gain control of their professional lives.

State Policy Promotes the Privates

It was not by chance that New York was the last state to create its own state public university. It was also not accidental that during its first decade SUNY was a small, politically weak institution with low enrollment. Governor Rockefeller's Heald Commission Report described SUNY's condition in blunt language in 1960, when it characterized the university as "limping and apologetic."¹ This is not the book to provide a detailed history of public support of private colleges in New York State. Much has already been said and written about that subject.² But some background is essential to understand the role private institutions played in shaping SUNY and setting the stage for the emergence of UUP.

On the eve of the establishment of SUNY in 1948, New York's public higher-education system consisted of a handful of small state-run teachers' colleges and a number of well-established, politically powerful private institutions, both secular and sectarian.³ The private institutions were the backbone of higher education in New York State and enjoyed a long tradition of benefiting from public largesse. The precedent for public aid to private colleges was set as early as 1754, when a royal charter established King's College, which later became

Columbia University. The relationship between public government and private colleges became closer in 1784, when the New York State legislature established the Board of Regents during its first session and charged it with regulating and managing Columbia, which by then had already become the alma mater of many of the legislature's members. The regents were expected to protect Columbia for the "affluent youth of the state."⁴

Despite the close relationship with the regents, the trustees of the newly renamed university did not like the idea of the Board of Regents running its affairs, so three years later the legislature changed the charge of the regents. In 1787 Columbia was given back its autonomy and the regents were granted much broader powers regarding higher education. The legislature now charged the regents with regulating *all* higher education in the state through granting charters and setting academic standards.⁵

Columbia may have regained its autonomy, but the regents' financial commitment to the university remained strong. Almost immediately they provided the university with loans and special appropriations of land and money. In so doing, they made it clear that in New York State private higher education was a public responsibility.⁶ The Board of Regents, acting under its revised charge, continued to provide public funds to private colleges and universities. They chartered Union College (1795), and in 1814 gave Union the generous sum of \$200,000.⁷ In the pre-Civil War period, regular subsidies went to other institutions besides Columbia and Union; New York University, Hobart College, and the Albany Medical College all received public funds.

The legislature's acceptance of private higher education as a public responsibility was buttressed by the regents' *laissez-faire* approach to regulation. However, when it came to regulating how private institutions of higher learning spent their money, including public dollars, the regents refused to interfere.⁸ The regents justified this hands-off approach through their interpretation of the US Supreme Court's decision in the 1818 case of *Dartmouth College v. Woodward*. In that famous contract-clause case, the court ruled that state-supported colleges remained private institutions. Therefore, their charters were contracts beyond the reach of the state. The regents interpreted this ruling to mean they could not tell private institutions how to spend their dollars. Whether the dollars were public or private, it did not matter.⁹

In 1862, when the United States Congress passed the Morrill Land Grant Act, states across the nation took advantage of the law by creating their own public state universities. New York was a notable exception. Instead of creating a public university system, New York used the federal money to establish a major new private institution, Cornell University. In establishing Cornell, the legislature was generous to a fault, pouring all of New York's proceeds from the act—about one tenth of the total national revenue—into the new institution. The legislature justified using Morrill funds to create Cornell by requiring Cornell to provide a

tuition-free education to one student from each of the state's assembly districts. Given this proviso, the regents happily chartered the new institution.¹⁰

The decision not to create a public university system with funds from the Morrill Act was one of many actions state policymakers took to protect the privates. Another came in 1904 when the legislature passed the Unification Act, a law establishing the New York State Department of Education (SED) with the Regents as a division. This department created policies that further undercut the role and effectiveness of New York's already weak normal schools.

In 1904 Governor Odell appointed Andrew S. Draper, the former superintendent of public instruction, as commissioner of education. Draper had a distinguished record as an innovator in the K-12 sector, but when it came to higher education, he had a strong predilection toward the privates. In fact, in his role as superintendent, in 1889 he supported teacher training at private institutions rather than expanding the state's normal schools. Indeed, restricting the role of the state's normal schools was at the core of his vision of the state's system of higher education. He insisted that normal schools should have the narrow function of training teachers and articulated his belief that they should not offer a wide range of academic subjects. Restricting the curricula at normal schools, he argued, would reduce competition between these state-run institutions and the private sector.

Draper's vision became a reality during his tenure as commissioner of education. Under his stewardship, normal schools were only allowed to admit students who wished to become teachers, leading him to proudly announce the elimination of most subject-matter courses. Normal schools now became narrow teacher-training institutions focusing primarily on teaching methods. These reforms had the effect of preventing many deserving low-income students from gaining a general academic education while also reducing the academic quality of the normal schools, an issue that would surface later when SUNY was finally formed.

Draper also worked closely with the private sector, taking the initiative in 1906 to help establish the Association of Colleges and Universities of the State of New York (ACUSNY), a collective lobbying body consisting mainly of the privates. With Draper's encouragement, the private sector began to cooperate more closely to develop a stronger relationship with the regents. The Education Department in conjunction with ACUSNY used its political clout in support of tuition scholarships to the private schools as an alternative to a public university. The new organization soon began to reap rewards. In 1913 Governor Sulzer signed a bill advocated by the Education Department and the ACUSNY that provided 3,000 state scholarships at \$100 a year for four years. At the bill signing Sulzer characterized the scholarships as "practically the equivalent of the maintenance of a state university."¹¹ The close cooperation between the regents, the Department of Education, and ACUSNY had profound positive benefits for

private institutions of higher learning, leading one scholar to comment “the interests of the private colleges and the state became so intertwined as to make them indistinguishable.”¹²

Scholarships to attend private institutions remained the alternative to forming a state university for the next forty-five years even though private colleges were finding it increasingly difficult to meet the growing demand for higher education. Driven by the Depression and high unemployment rates, high school attendance increased by almost 50 percent between 1926 and 1933, and the demand for higher education skyrocketed.¹³ Studies at the time found that thousands of qualified New Yorkers from modest economic backgrounds simply could not afford the tuition at the state’s private colleges. With the exception of the municipal colleges in New York City, these students had no place in the state to go. The federal government addressed this important nationwide issue by funding a series of higher-education institutions, some sixteen in New York, designed to provide jobs for unemployed college faculty and to give unemployed high school graduates an opportunity to take first-year college courses. Even here, the interests of the private sector took precedence. To ensure that the federal institutions would not compete with the state’s privates, no enrollments were permitted until the privates completed their student registrations.¹⁴ The federal experiment did not last too long. By the summer of 1937 all these federal institutions were closed.

The regents’ response to increased enrollment pressures was predictable. Instead of supporting the formation of a state university system, a 1935 regents study recommended that higher-education policy in the state focus on increasing aid to and working more closely with the privates. Toward this end, the report called for doubling the number of undergraduate scholarships to 6,000 and increasing the annual stipend to \$300 a year. It also recommended the establishment of 100 graduate fellowships at \$400 each. The report made no mention of the increased enrollment projections of up to 15,000 more students.¹⁵

This scenario repeated itself yet again with the release of a Regents report in 1943 regarding a postwar plan for education in New York State. The report made clear the primacy the regents placed on the privates by proudly declaring that preserving “the strength and integrity of these private colleges . . . has long been the policy of the Board of Regents.”¹⁶ In 1944 and 1945 Governor Dewey followed suit by signing bills establishing 2,400 War Service Scholarships with an annual stipend of \$350. In short, protecting and enhancing the interests of the privates at the expense of public higher education was a fundamental policy the regents planned to pursue in the future, and the state’s leading politicians, particularly Republicans upstate where the bulk of private colleges were located, fiercely supported this policy.

By the time World War II ended, the state’s public higher-education institutions, all controlled by the Board of Regents, consisted of eleven state

teachers colleges, seven professional colleges under contract with private institutions, six two-year schools of applied arts, and six agricultural and technical colleges. Additionally, in New York City there were four municipal colleges. The postwar period put new pressures on policymakers to create a state university. The most obvious was the passing of the GI Bill and the increasing demand by returning soldiers for access to affordable higher-education institutions in the state. Some estimates had as many as 100,000 returning GIs prepared to seek higher education in New York, a number far beyond what the privates could meet.¹⁷ Sidestepping opposition from the privates, the state had already created special temporary colleges to meet the skyrocketing enrollments, but this was not enough. It was clear that New York's municipal colleges and state teachers colleges just couldn't meet the new demand. The situation was further exacerbated by a shortage of medical schools and by the practice of ethnic discrimination by private institutions.

Many of the privates had admission quotas for Jewish and minority students on both the undergraduate and graduate levels. This was particularly true regarding admission to medical schools.¹⁸ In fact, antisemitism was often blatant. Indeed, one president of Columbia, after bowing to pressures to admit bright children of immigrants, mainly working-class Jewish students, complained that many of the new students just did not conform to the type of "boy" who came to Columbia. In fact, he went on, they were more like the students who attended the City College of New York.¹⁹ As bright and academically qualified as they were, these new students just did not conform to the "gentlemanly" standards of the upper crust. Admitting such students to Columbia and many other privates ran against the grain of their privileged sensibilities. Ethnic discrimination by the privates became less tolerated after the war. Unveiling of the horrors of the Holocaust illuminated the immorality and ugliness of discriminatory admission practices. Public attention on the issue in the state grew thanks to litigation by the American Jewish Congress against New York's Tax Commission for giving tax breaks to Columbia, even though the college violated the law with its ethnically discriminatory admission policies. The public consciousness raised by this case fueled the demand for a public state university.

In 1946 President Truman brought the federal government into the picture. In response to the growing national demand for higher education, Truman created a higher-education commission charged with analyzing the state of higher education in the country, including enrollment projections, and making recommendations to address the issues. Following over a year of extensive deliberations, in the fall of 1947 Truman's commission, Higher Education for American Democracy, released its report. The report's recommendations were broad and wide-ranging. It called for the expansion of public higher education and the need for greater access for minorities and the economically disadvantaged, changes in higher-education curricula to promote the values of democracy, the extension

of two-year free public colleges, and federal scholarships and grants to students. Significantly, it also projected the doubling of college attendance by 1960.²⁰

Truman's involvement was crucially important to higher-education policymakers in New York. Since New York's Governor Dewey was about to face Truman in the next presidential campaign, Dewey had to demonstrate his support for significantly expanding public higher education in New York State. As Dewey's biographer Richard Norton Smith observed, "Dewey read election returns as well as anyone."²¹ In February of 1946 Dewey called for the legislature to create a Temporary Commission to Study the Need for a State University.²²

Predictably, an alliance among the private colleges, the State Education Department, the regents, and Republicans upstate where the bulk of the privates were located, opposed Dewey's proposal. The coalition feared that the creation of a low-cost public university would place the privates at a disadvantage and force some to close.²³ In contrast, downstate Democrats and various minority groups—victims of the private's discriminatory admission policies—supported the creation of a state university. An astute politician, Dewey put representatives from both factions on the new Temporary Commission.²⁴ The privates continued to resist the establishment of a public university, but should they fail to stop its creation, they aimed to make sure the new university would not pose a real threat to their existence. Consequently, they used their clout to support a university with a decentralized series of campuses without the flagship campus model of the midwestern public universities. They also wanted the new institution placed under the aegis of their historical ally, the Board of Regents.

The commission's recommendations set the parameters for the new university. For instance, the commission made sure that SUNY would not compete with private colleges and universities, declaring that "the function of state supported post high school education should be to supplement, not supplant, privately supported colleges and universities."²⁵ This serious restriction on SUNY's role was complemented by another agreement in which, according to scholars, Governor Dewey promised the privates "that no new liberal arts colleges would be established for the next ten years."²⁶ Finally, in the name of geographical diversity, the new university would not have a flagship campus. The report paved the way for legislation establishing SUNY, legislation that extracted these political compromises favorable to the private sector by severely limiting SUNY's prospects for the future.

The Battle for a State University

In April 1948 Governor Dewey signed the bill creating the State University of New York. New York finally had its own state university system, consisting of thirty-two institutions, including the teachers colleges. SUNY emerged as a

decentralized institution without a flagship campus and with significant limits on its role and future growth. In the prescient and perhaps gleeful words of Cornell University's president, "This is a State University that will have presumably no football team that can expect to make the Rose Bowl."²⁷ SUNY's future looked unpromising. Yet the enabling legislation for SUNY did not give the privates everything they wanted, thereby setting the stage for future growth and triggering another political battle that threatened the university's very existence. To the dismay of the privates, the law creating SUNY gave general administrative responsibilities to a board of trustees appointed by the governor, not to the regents. The regents responded by garnering support for legislation, the Condon-Barrett bill, stripping the trustees of their administrative responsibilities and shifting them instead to the regents, who would serve as guardians to ensure the new university's subservience to the privates. The battle unfolded in the legislature in 1949, when the governor prevailed and Condon-Barrett was soundly defeated.

However limited, SUNY had established its independence from the regents and was now in a position to grow. But growth did not come quickly or easily. In fact, at its conception, SUNY's state-operated campuses had a total of only 22,450 undergraduate and graduate students, both full- and part-time. In the 1949–50 school year it awarded 3,514 bachelor's degrees and some 385 master degrees. By the 1958–59 academic year, some ten years after its creation, SUNY's enrollments had grown by fewer than 15,000 students. With a state population of over twelve million, the university granted only 7,849 bachelor's degrees and 1,230 master's degrees.²⁸ The numbers suggest that SUNY was a university in name only, given that about 75 percent of all New York undergraduates were enrolled at private institutions and large numbers of college-aged students went to out-of-state colleges. It also did not help SUNY that its trustees still viewed the university's role as limited, "to supplement the efforts of private colleges and universities."²⁹ Toward this goal, the decentralized university had teachers colleges that still could not offer liberal arts programs, university-wide growth was restricted, most of the faculty lacked doctoral degrees, there was virtually no faculty governance, and management had the uncontested right to define and control basic work conditions, including curricula, workload, salary, and all personnel decisions. Moreover, the university's physical facilities were in a "deplorable state."³⁰

In 1957 a consultant's report on the status and potential of research at SUNY lamented the many unfavorable conditions faculty faced: many had excessive teaching loads, often as many as five or six courses each semester; committee assignments were excessive; sabbatical leaves were scarce. Additionally, the report cited another problem facing researchers: the small number of graduate students available to be research and teaching assistants. The report recommended the centralization of SUNY similar to the structure of the large midwestern public universities. This did not happen. The trustees, fearing that

the creation of a centralized research institution would present an unacceptable political threat to the privates, rejected the recommendation, thereby ensuring that SUNY would remain exactly what Rockefeller's Heald Commission would later call, a "limping and apologetic enterprise."³¹ The regents' opposition to the report and controversy over its release led to the dismissal of SUNY's second president, Frank Carlson, in December of 1957.

The privates did not idly sit by watching SUNY become a growing threat to their existence. In fact, the decision of both the regents and SUNY's trustees was influenced by political efforts of the privates, who formed a centralized lobbying organization on the eve of the consultant's report's release. To represent their interest in the context of a public state university, the privates created the Commission of Independent Colleges and Universities (CICU) as their lobbying arm in 1956. Over the years CICU grew in numbers and influence. It currently represents more than 100 private institutions of higher education in New York State.

The Soviets' launching of Sputnik and the rising tide of baby boomers boosted enrollment projections far beyond the capabilities of the privates, creating significant pressures for a larger and stronger SUNY. In 1957 the public, in an extraordinary display of support for the still-stunted university, voted to approve a \$250 million bond issue to address SUNY's deplorable physical infrastructure. But the university was without a president and the bond issue could not be implemented until after the 1958 gubernatorial election, when a new governor would appoint Carlson's successor. In short, the university was at a standstill. It remained under the thumb of the privates and much-needed improvements did not come. But the election of Nelson Rockefeller as governor changed all that. Under Rockefeller's leadership, SUNY rapidly grew, eventually becoming the largest public university system in the United States.

Upon winning the election, Rockefeller pledged to implement the \$250 million bond issue, and, as Judith Glazier observed, by the time he left office he had committed ten times that amount, some \$2.5 billion, to construction at SUNY.³² In his inaugural address Rockefeller spoke of the need for the future "expansion of our state institutions of higher education," and almost immediately appointed a commission to review higher education in the state.³³ Headed by Henry Heald, president of the Ford Foundation, the Heald Commission projected the doubling of SUNY's enrollments between 1959 and 1970, with another 50 percent increase coming by 1980, bringing SUNY's enrollments to more than 1.2 million. Since the private sector was incapable of handling this massive influx of students, the public system would have to grow to accommodate enrollment approaching 60 percent of all in-state college students. The commission's report recommended three higher-education goals: (1) higher education should be available to students of various talents and from all income groups, (2) New York's system of higher education should have strong public and private sectors, and (3) academic excellence is an essential objective for all educational institutions.³⁴

The governor moved forcefully on the commission's recommendations by engineering the passage of the Higher Education Act of 1961, which provided the legal framework for SUNY's emergence as a giant public university. The law removed SUNY from the State Education Department, giving it more independence. It also established a scholar incentive program, and doubled the number of Regents Scholarships, a program beneficial to both the public and the private institutions.³⁵ During this same period the trustees, acting on the basis of a Division of Budget Office study of salaries, submitted a three-year plan to raise faculty salaries—a plan whose implementation, the trustees later confessed, was not appreciated by the faculty, partially because of the degree of management discretion given to local campus administrators.³⁶

A year later new legislation opened the way for pouring tens of millions of dollars into SUNY's physical facilities. This promised financing, along with the specter of exploding public-sector enrollments, greatly concerned the privates. To address their concerns, the governor, working in conjunction with the regents, appointed a committee in 1967 to determine how the state could help maintain the health of the privates without infringing on their autonomy. The committee, chaired by McGeorge Bundy, recommended a system of direct unrestricted assistance to the privates, which was approved by the state legislature. Beginning in 1969–70 the state would give \$400 to private institutions for each baccalaureate and master's degree and \$450 for each doctoral degree. That year New York's taxpayers poured \$25.5 million into the coffers of New York's independent colleges and universities. In addition to tamping down the privates' resistance to an expanded SUNY, Bundy Aid, as it was called, kept many of the fiscally pressed private institutions alive and established a new "live and let live" attitude between the public and private sectors. Bundy Aid established an uneasy but lasting peace between the two sectors, but political jostling between the publics and privates would continue, especially when elected officials put together a state budget during tough fiscal times.

With all the political pieces in place, SUNY was on the launching pad, prepared to take off. The university reached for the stratosphere with the appointment of Samuel Gould as its fourth president. Gould and Rockefeller wanted a first-rate university, an esteemed, quality institution that would meet the criteria of the Heald Commission report. During President Gould's tenure (in 1967 SUNY changed the title of SUNY's president to "chancellor") from 1964 to 1970, SUNY realized the commission's goals. In 1960, for instance, several years prior to Gould's appointment, SUNY enrolled 48,000 students. By 1968 the number of students had jumped to 139,000, and by 1970 SUNY had an enrollment topping 300,000.³⁷ Characterized by some as Rockefeller's "Edifice Complex,"³⁸ new construction tripled the size of the physical plant by 1970. But enrollment numbers and the tons of concrete, steel, and other building materials expended over this period fail to tell the entire story.

In 1964 when Gould took office, SUNY had a poor academic reputation. With a small and largely undistinguished faculty, the university had far to go to reach the goal of academic excellence. With the exception of the medical schools, most faculty members lacked doctoral degrees, a standard by which higher educational institutions are rated. The dearth of faculty with doctoral degrees was true at the PhD-granting university centers as well as the former teachers' colleges and agricultural and technical schools. At SUNY Albany, for instance, only 52 percent of the faculty held doctorates for the 1965–66 academic year, the lowest rate among the four university centers. The four-year colleges were significantly worse, with Fredonia having the highest proportion at 45 percent and Oswego at the bottom with just 27 percent. The agricultural and technical colleges were even worse. Cobleskill held the top position with 17 percent while only 2 percent of Canton faculty held doctoral degrees.³⁹

A growing university needs more faculty to keep pace with increasing enrollments, and SUNY certainly was growing. As enrollments increased, the university sought to hire thousands of new faculty. A Faculty Senate report projected the creation of nearly 6,500 new faculty positions between the 1966–67 and 1972–73 academic years. Thanks to legislation that took effect on July 1, 1964, the president of the university, as opposed to the state legislature, was granted the power to determine salaries of professional positions.⁴⁰ With the backing of Governor Rockefeller, he advocated for higher salaries, including better starting salaries and significant pay increases for existing faculty. He also provided additional incentives in support of faculty research, including reduced teaching loads, especially at the university centers. Gould also called for faculty involvement in the collegial process through a stronger system of faculty governance.⁴¹ In other words, the new president's willingness to work with faculty led to improved salaries and enhanced research at the still-nascent but now expanding university.

The collegial manner in which Gould began his tenure was a distinct change from the previous culture of limited governance and faculty deference to campus and university managers that characterized the university's culture to this point in its history. The previous style of top-down leadership had contributed to a sense of alienation among many faculty, who felt excluded from the decision-making process. Until Gould's appointment, statewide faculty governance played an insignificant role in SUNY's culture. It is important to note that it took five years before SUNY even created a Faculty Senate, in 1953. Subordinate to the Policies of the Board of Trustees, the Senate was an in-house organization whose existence depended on the university that created and funded it. It had no policymaking power but could give advice and counsel to the president on issues deemed relevant to the Policies of the Board of Trustees. SUNY's president could heed or disregard the advice of the Senate at his discretion. The president also had the power to cut funding if the Senate tried to pursue policies deemed detrimental to the university.

A good example of the top-down style in place prior to Gould's appointment is President Carlson's response to faculty questions regarding a very bad budget for SUNY for the 1955–56 year. When asked by a Faculty Senate member how "the urgent need for better salaries can be achieved," Carlson expressed his strong opinion "that faculty members, local groups, and the like, should not resort to lobbying." Carlson said this despite the fact that SUNY's salaries were not competitive, some of the best faculty were leaving for other universities, and, at this juncture, the legislature was responsible for salary increases. The president's prohibition against lobbying the legislature further highlighted the faculty's lack of any real input into the salary process.⁴² At a subsequent Faculty Senate meeting Carlson also made his position on salary increases clear. Salary increments need not go to all, he said. They "should be granted on the basis of merit and not provided automatically every year."⁴³

Paternalistic rule existed on the campuses too. SUNY's chief counsel, John Crary, Jr., reported that the practice of granting sabbatical leaves to faculty contingent on their finding their own replacements ran against the Board of Trustees Policies. This practice not only mirrored management's lack of understanding of academic culture, it reflected poorly on the university's professionalism and reputation at the time.⁴⁴ Prior to Gould, campus presidents usually hired top-level administrators with little or no formal input from faculty, and faculty were not involved to any degree in hiring campus presidents. Gould later addressed these practices by urging campus presidents and local college councils to consult with faculty on hiring, although the president still had the final word.⁴⁵ The university's style was changing, but managers still made the final decisions.

Paternalism also manifested itself in nasty and capricious behavior. Many faculty members grumbled about the arbitrary and often authoritarian rule by their campus presidents and fretted about their lack of recourse in such cases. Brockport faculty complained of the heavy-handedness of President Brown, especially with regard to promotion and salary decisions.⁴⁶ Faculty at Buffalo State recalled how campus managers watched over them as if they were children.⁴⁷ Cortland faculty said they felt like high school teachers.⁴⁸ Canton faculty member Joseph Lamandola made the often-cited claim that the college's president at the time, Albert France, treated faculty paternalistically, telling them, in Lamandola's words, "you do what I tell you, I will take care of you. If you do it, you're a good boy."⁴⁹ Eugene Link of New Paltz expressed the view of most faculty when it came to raises, and in fact just about everything else, when he observed, "You took what the administrators said and kept quiet."⁵⁰ From campus to campus the complaints were almost all the same. Not all faculty members felt this way. Tensions existed on most campuses between the old teacher-college faculty, who were more accepting of their restricted role in controlling their professional lives, and the new faculty, most of whom were trained in the 1960s and believed they should have a real say in decisions shaping their professional lives.⁵¹

Whatever the merits of the complaints, the fact remains, SUNY managers called the shots and sometimes did so very heavy-handedly, particularly prior to the appointment of Gould. In 1963, for instance, the university provost announced at a Faculty Senate meeting that new salary increases were unlikely, and, he added, the university was contemplating saving money by deferring a previously scheduled April 1 salary increment until July. But, he assured the Senate, faculty need not worry, the state would assume 3 percent of employees' retirement compensation, allowing for an increase in take-home pay.⁵² All this was delivered as a *fait accompli*. Faculty had no effective say in their fiscal fate, the status of their pensions, or the benefits they received. When a faculty member questioned the provost about the prospects for increasing the strength of local faculty organizations, she was reminded rather bluntly, "at no time has the faculty any legal right to overrule the chief administrative officer."⁵³

Gould Takes on Salaries and Other Terms and Conditions of Employment

Gould's remarks and attempts to establish collegiality with and among faculty was a change in style, not substance. Under his leadership the faculty played a larger and more active role in many important areas, including salaries. The Faculty Assembly's Personnel Committee, for instance, established a subcommittee on the economic status of the faculty and charged it with developing salary goals over a five-year period. The committee did just that, and Gould listened to its recommendations.⁵⁴ But the bottom line remained the same: the chancellor had the ultimate power and authority to set salaries. As a practical matter, implementation of salary increases led the chancellor to delegate this power to campus presidents, although he still had the final say. Procedures based on the peer-evaluation process were established on the campuses to give the faculty a role, but the faculty remained an "advisory and consultative" body, not a policymaking organization. The Board of Trustees governed the university, and the chancellor implemented trustee policies. These facts are made clear in the legislation creating SUNY and further expanded in Article 1 of the Policies of the Board of Trustees: "Nothing in these policies contained shall be construed to restrain the power of the Board of Trustees."⁵⁵ It is no wonder that Faculty Senate minutes often record a top-level administrative officer reminding the faculty that repeated requests for changes such as a single salary scale were "unattainable and undesirable."⁵⁶

As the university sought parity with faculty salaries at major universities across the country, the Faculty Senate continued to make recommendations to the president. Gould, with the backing of the governor and state legislature, delivered the goods. Average faculty salaries rose by 6.2 percent for the 1965–66 academic

year and another 11 percent the following year. These raises included across-the-board increases to all faculty. Management also implemented discretionary increases, despite some faculty resistance, which took the shape of resolutions and petitions in opposition. The discretionary increases were usually at least 50 percent and often more of the total salary package, giving managers great discretion and, some say, an important tool to increase their control over the faculty.⁵⁷

For the 1967–68 year Gould and SUNY's trustees requested an additional \$6,150,000 for salary improvement. The plan was to provide up to six continued increments annually at the discretion of college chief administrative officers. Reporting faculty salaries by average wage increase obscures the impact of discretionary increases on the total salary package. During 1965–66, for instance, when the average raise for returning faculty increased by 6.2 percent, all faculty received raises of 3 percent, but another 5 percent of the total salary package was distributed on the basis of merit. On the surface, it appears that everyone received a raise of about 6.2 percent, but that is not what happened. Some received just 3 percent; others much, much more. In fact, on one campus a faculty member reported that merit increases ranged from 1 to 30 percent.⁵⁸

Here is a simple example often used by former secretary of labor Robert Reich to illustrate the shortcomings of the concept of average raise increase. Reich, who is not quite five feet tall, would ask his audience to imagine him in a room with either Wilt Chamberlin or Shaquille O'Neal, famous basketball players who are both over seven feet tall. In Reich's example, the average person in the room is over six feet tall. His point is obvious: emphasizing average heights obscures the huge size differences between the basketball players and Reich. That's why including discretionary salary monies when calculating average salary increases misrepresents what most faculty received in their paychecks. But salary differences are not necessarily bad. Should productive scholars not reap larger rewards than their less-productive counterparts? This, after all, is the argument behind discretionary pay increases. It is also the underlying reason many faculty members accept and even applaud the availability of discretionary salary increases. The crucial questions are, of course, how is meritorious work determined, and who ultimately decides who receives merit pay? Answers to these questions trigger differences among the faculty. Almost all campuses had a peer process in place that gave faculty advisory input in the discretionary salary process. The process adopted in the discretionary process generally mirrors that for promotions, the major difference being that salary increases apply to a greater number of faculty annually while fewer faculty seek promotions every year. The process usually begins at the top. Guidelines issued by the university chancellor's office serve as criteria for determining eligibility for raises and the amount of the raise. In most cases, departmental committees review the applications of departmental members, compare the applications to the criteria, and make recommendations to a divisional committee. The divisional committee reviews and analyzes the

applications and submits recommendations to the appropriate dean, who does the same and passes on the names of the chosen faculty to the campus president for final action. If the president decides, for whatever reason, that a candidate is unworthy and removes the candidate from the list, that is the end of the process for the rejected individual. There is no recourse, even if that person had the unanimous support of peer faculty. The president also has the authority to add new names to the list—in other words, to give a discretionary raise to faculty deemed not deserving by their peers. Moreover, again mirroring the promotions process, campus presidents need not explain their decisions to the faculty, thus leading more than one faculty critic to complain that such decisions are “made under a cloak of secrecy.”⁵⁹

The so-called “cloak of secrecy” was just one criticism of discretionary salary increases. The refusal of most campus presidents to make faculty salaries public made matters worse. According to a Faculty Senate bulletin, as late as 1967, only ten campuses made salaries available to the faculty and to the public. Faculty often complained about this lack of transparency, which made it necessary to go to the state comptroller’s records to discover what a colleague earned.⁶⁰ This secretiveness reinforced the notion that something was unfair about the distribution of discretionary raises.

Other critics of the process claimed that merit rewards had little to do with academic performance. Allegations abounded that campus management frequently gave raises to their favorites, even if the chosen few were not among the most productive on campus. More than one faculty member echoed the sentiments of a Brockport professor who claimed that the college president “was primarily rewarding friends, his personal friends and cronies and that he wasn’t being fair in the distribution of raises and promotions.”⁶¹ A *Faculty Senate Bulletin* story cited several cases of this alleged favoritism, including the case of a department chairperson who on becoming an acting dean granted discretionary increases to members of his department ranging from 14 to 25 percent.⁶²

Further controversy surfaced alleging that campus presidents withheld discretionary dollars from faculty critical of their administrations. In other words, college administrators used merit raises as a tool to keep faculty members in line. Faculty who were bypassed for discretionary salary increases were likely to gripe, but whatever the merits of their complaints (and they were sometimes difficult to prove), the bottom line remains that faculty had little or no formal control over their salaries. This is not to say that faculty were totally powerless when they requested discretionary raises. They had the moral force of the arguments supporting their requests and there was a limit to how much a campus president could abuse faculty opinion. But the president’s decision was binding, and this lack of faculty control triggered great resentment. Some faculty resented what they perceived as the arbitrary and capricious nature of the merit and promotions processes, but the state’s fiscal crunch was still a few years off, and as long as

the big raises kept coming, most faculty enjoyed the benefits of New York State's commitment to build a first-rate public university. Governor Rockefeller shared that commitment, and he was more than willing to provide the necessary fiscal resources to achieve it. Cortland's Henry Steck describes the days of growth in colorful terms: "you had to wade through the money."⁶³ Others fondly recalled raises of 15 percent one year and 15.5 the next. In the minds of many faculty, these were the best of times.⁶⁴

By 1970, however, the state was experiencing a severe budget deficit, and the flood of dollars stopped flowing into the university. While millions in public tax dollars in the form of the Scholars Incentive Program (the predecessor of the Tuition Assistance Program, TAP) and Bundy money flowed into the coffers of private institutions, at SUNY talk of layoffs and retrenchments replaced promises of better salaries. As the struggle for scarce state resources took center stage, faculty became less accepting of the governance process and the ineffectiveness of their advisory role. Even the usually compliant Faculty Senate groused to Chancellor Gould about the university's lack of responsiveness to its advice and counsel. One issue that they found particularly annoying was the university's failure to keep a promise it had made regarding salary increases. In 1969 the Faculty Senate had reached an agreement with the chancellor's office to distribute unspent funds to campus administrators and professional staff. But that never happened. The university reneged on the agreement, leading the Senate to criticize SUNY's central administration.

The simmering frustration of giving much advice with minimal results led one senator to publicly tell Gould that in speaking for the Senate, "I must say that we have been terribly frustrated in terms of the results . . . and [are] getting some kind of feeling that we were being reasonable and yet being completely ignored."⁶⁵ At that same meeting, the chair of the Economic Status Committee, faculty senator James Reidel, resigned. Citing the university's lack of cooperation with the Senate and its unwillingness to share important information, Reidel warned the chancellor that when the advice and counsel of first-rate faculty are ignored, the best faculty members will walk away and their replacements will be faculty "who have nothing better to do."⁶⁶ The chancellor attributed the university's recent unwillingness to share information or otherwise cooperate with the Senate to the requirements of the Taylor Law, which mandates that a union negotiate terms and conditions of employment. But this explanation was unacceptable to Reidel and his colleagues, who reminded the chancellor that the Taylor Law was three years old and there was still no union. Morale was slipping, and the far-from-independent Senate was becoming increasingly frustrated. Even though SUNY still did not have a bargaining agent, the chancellor's office anticipated the establishment of collective bargaining and was carefully taking terms and conditions of employment away from the Senate.

Impact of SUNY's Grievance Process and Other Managerial Policies

The perceived arbitrariness of salary increases and promotions was just a small, albeit significant, part of the terms and conditions of employment at SUNY. Prior to the formation of a union, SUNY faculty lacked real control over almost every part of their professional lives. They might be consulted from time to time, but they had no redress when management ignored their recommendations. The creation and implementation of the university's pre-union grievance process illustrates the weakness of the faculty's position.

The issue of a grievance procedure became a topic of discussion in the Faculty Senate following an August 5, 1955, gubernatorial executive order mandating all state agencies to create a grievance procedure "to establish more harmonious and cooperative relationships between the state and its employees."⁶⁷ SUNY's position on the governor's mandate was predictable. According to chief counsel John Crary, the university already had a procedure for its civil service employees. The Faculty Senate routinely discussed issues outlined in the mandate, and that was sufficient. In other words, SUNY's president did not think it necessary to establish a grievance procedure for faculty, because Senate deliberations already served that function. Before finalizing SUNY's position on the grievance issue, Crary wanted to hear the faculty's opinion. They concurred that they didn't need a civil service-like grievance process, voting at a special meeting of the Senate in January of 1956 to add the following passage to the minutes of their previous meeting: "It was pointed out that the real reason a faculty does not need a . . . grievance procedure is that it is traditional in American universities for each professional staff member to have the right of appeal and access to the highest administrative official of the university. President Carlson agreed with this statement and pointed out that he hears such direct appeals as a matter of course."⁶⁸ The senate then unanimously agreed that it should not serve as a grievance forum to resolve the problems of individuals, but concern itself only with policy decisions. President Carlson concluded the special meeting with comments on the need to establish personnel committees on campus to hear grievance claims, but he reminded the body that the personnel committees are purely advisory "and the head of the institution is ultimately responsible for whatever personnel decisions are made."⁶⁹

Not all members of SUNY's faculty took such a sanguine view of the Senate's uncritical acceptance of the president's position on a grievance process. New Paltz faculty, for instance, submitted a statement to the Senate criticizing the administration's position that the Senate's role in the grievance process fulfilled the governor's mandate. Questioning the ability of the Senate to effectively serve as a hearing board with personnel issues, the New Paltz faculty stated that

“formal grievance machinery constituted the individual’s only recourse in case of unfair treatment by local administrative personnel.”⁷⁰ The Senate, they claimed, was simply not up to the task.

In response to this criticism, SUNY counsel Crary reminded the Senate that the State Grievance Board agreed that the Senate did constitute a body to hear grievances. If they had declined to assume this role, he continued, “a faculty member is deprived of a grievance procedure and is thus left at a disadvantage.”⁷¹ Crary further noted that he had advised the Grievance Board that the question of a grievance procedure for academic personnel would be reviewed by the Senate’s personnel committees on each campus, and these committees would serve as auxiliaries to the Faculty Senate. The November 1959 meeting of the Senate then referred the issue of a grievance procedure to its Committee on Personnel Policies for study.

The grievance process evolved slowly, with the Senate playing an increasingly active role in its often tumultuous evolution. In May 1960, the Senate, acting under the authorization of the Trustees Policies, Article VIII, Title F, gave its Personnel Policies Committee the responsibility of hearing appeals of grievances not successfully resolved on the campus level. In support of its new charge, the committee initiated a fact-finding investigation of the campus grievance committees authorized by the Trustees Policies, Article X, Section 5. A year later the Personnel Policies Committee reported a wide variation in the practices and procedures of campus personnel committees, the committees that actually heard the grievances, and discovered that some campuses did not even have these forums. These findings supported the Senate’s charge to the Personnel Policies Committee to serve as the forum for appeal by aggrieved faculty. If a faculty member appealed to the committee, the committee would then conduct an investigation to determine if a hearing were warranted. If so, they held one to resolve the issue. Failure to resolve the problem at this committee level would bring the issue before the entire Faculty Senate with a recommendation for action. The Senate would then “make a formal recommendation to the President of the University for his guidance.”⁷² The president then noted that the final appeal of his decision rests with the Board of Trustees—in other words, the people who hired him and for whom he works.⁷³ The university president also promised to work with campus presidents to promote uniformity in the admittedly ineffectual grievance process.

The growth of the university had a significant impact on the grievance process. As faculty numbers increased, the number of grievances grew. Great disparities regarding the treatment of grievances on the campuses also remained. Some campuses had clear and effective procedures; others did not. Consequently, in 1967 the Faculty Senate, following the Policies of the Board of Trustees, Article 10, Section 5, developed a formal grievance process. The new process had a strong bias in favor of management. It worked as follows: any professional

employee could submit a grievance *after* it had been identified as one through informal discussions with the appropriate chairperson, director, dean, or other administrative officer of the college. If the issue were not resolved at this informal level, the appropriate administrative officer referred the matter to a higher authority on campus. This authority forwarded the complaint to the campus grievance committee, which reviewed the issues and made recommendations to the college president. The president made the final campus determination. A grievant could appeal the president's decision by applying to the chairperson of the Faculty Senate's Personnel and Policies Committee and the chancellor for a review of the college's decision. It was now up to the chair of the Personnel Policies Committee to determine if the grievance was appropriate for the committee to hear. If so, the committee would conduct a hearing and send its recommendations to the chancellor for final action.⁷⁴

The new procedure rationalized the grievance process at the university level. But the number of grievances grew so much that the workload became too heavy for a subcommittee of the Personnel Policies Committee to handle, leading the Senate to establish a separate Grievance Committee. Nevertheless, the lack of uniformity among the campus committees persisted, even after the Grievance Committee, with the chancellor's blessing, offered workshops to promote uniformity in the procedure. Indeed, as late as 1970 the chair of the Grievance Committee characterized some campus grievance committees as "inoperable."⁷⁵ Some were inoperable because of overly complex procedures, others were operable but unproductive, and on some campuses faculty simply chose not to use the procedures.

The experience at the college of Oswego provides a good example of an operable but ineffectual procedure. The Oswego College president apparently disregarded the grievance process. In a special report about grievances at the college, most of which resulted from the reorganization of the language department, a member of the campus Personnel Policies Committee blamed the college administration for problems with the process. The administration, he claimed, "has shown itself unwilling to cooperate with the committee either by implementing the committee's recommendations or by taking part in the Grievance Committee's hearings."⁷⁶

Oswego's experience was far from unique. Professor Sam Wakshull, who later became president of the faculty union, claimed that the local committee at Buffalo State, although elected by faculty, was really a presidential committee because it reported to the college president, who made the final decision on campus. The committee lacked power and was mostly ineffective.⁷⁷ Of course, Wakshull continued, employees could appeal to the Faculty Senate Committee, but the chancellor still had the power to say no. Without any real appeal to independent arbitration, the process had only moral suasion, and that was limited.⁷⁸

There were problems in implementing the new process at the local campus level. The new, more bureaucratically rational procedure was designed to give

faculty a forum to air their grievances by providing an appeals process to a level above the college president, but did not question or undercut the chancellor's "final say" power. To do so would have required a change in the Trustees Policies, a change the trustees were not inclined to make. As the number of grievances mounted and the chancellor's decisions tended to differ from the Grievance Committee's recommendations, the committee brought a proposal to the full Faculty Senate that would create a professional arbitration board independent of SUNY and the chancellor. The committee chair justified the use of an independent arbitration board on the grounds that the chancellor frequently ignored the committee's recommendations. Members also contended that when he accepted the committee's analysis of the issue, the chancellor often imposed a solution different from the recommendation. The committee chair went on to speak of what he characterized as a "double standard" in the application of procedures. The chancellor tended to support campus administrators when they didn't follow procedures, but did not do the same when faculty erred.⁷⁹ When asked for data providing the specific numbers of times the chancellor ignored the committee's recommendations, Chairman Goodman responded by saying it was statistically impossible to provide such numbers. The issues, he claimed, were far too complicated. How, he asked, do we define a response? For instance, the committee may recommend a specific cash payment, but if the chancellor provides a different amount, does that constitute a response in agreement or disagreement? This example was not atypical. The Senate proceeded to vote overwhelmingly in support of the resolution requiring arbitration, with only one vote in opposition.

Several months later SUNY's new chancellor, Ernest Boyer, promised to consult and confer closely with the faculty on grievance matters and expressed a willingness to work jointly with the faculty in resolving any differences. He also had the final word on the proposed arbitration board. Boyer had no objection to a review panel that studied the issues prior to his final decision. He objected to the establishment of any board that served as an appeals body, and concluded his remarks on the issue by reminding the Senate that "the final action regarding this matter of grievance as the structure now exists is the responsibility of the chancellor and it cannot be transferred to another party."⁸⁰ The Senate could still recommend and give all the advice it wished. But SUNY's chancellor would have the final say.

Lacking any procedures giving the faculty real power and control over the terms and conditions of employment, issues negatively affecting faculty continued to surface and, most of the time, faculty had little or no recourse. Nontenured faculty, for instance, might learn of their nonrenewal just days before the start of a semester. In 1968 the Trustees Policies finally addressed this problem by amending the policies to provide a formal notification process. But implementation on the campus level remained an issue, and nonrenewed faculty had no