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AN EXTREMELY IMPORTANT DOCUMENT: KHEA'S STRUGGLE FOR A CONTRACT, 1974-1978

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AN EXTREMELY IMPORTANT DOCUMENT: KHEA'S STRUGGLE FOR A CONTRACT,
1974-1978

In 1973, Kansas State College at Pittsburg was what a later generation would call a toxic workplace. That year President George Budd fired thirteen of his faculty without cause. None of the thirteen had any recourse but to either accept their fate or fight against lopsided odds to get reinstated. One of victims was Surendra K. Gupta, who had come to KSCP's history department from Dehra Dun, India by way of the Johns Hopkins doctoral program. Dr. Gupta not only faced the loss of his family's only source of income, but the pending expiration of a J-1 visa that allowed him and his family to remain in the United States. Only by studying U.S. immigration and labor law on his own did Suren save his position. Most others were far less lucky. Suren's longtime colleague Judy Shaw recalled years later that President Budd consistently fielded work-related complaints with one basic response: if faculty thought they were being treated unfairly at KSCP, they were free to leave. Another of Suren's colleagues, Tom Walther, recalled that even when firings were arguably justified, the president had a way of making bad situations worse. Two years following the first faculty firings, head football coach Tom Lester got the axe after his Gorillas had gone 4-4-2. Budd notified the media of his decision before coach Lester had a chance to tell his wife, who, as one account goes, first heard about it on the evening news. When the faculty senate met shortly thereafter, Eugene Fairchild of the biology faculty made a motion to censure President Budd.

Dr. Fairchild's motion carried. It was 1975 and KSCP faculty had long since begun to organize, but what looks over the gulf of fifty years like a slam dunk was an exceedingly tough proposition in 1974. The decision to unionize was fraught with doubts that few if any of us harbor today; for many academics, unions were simply too "blue collar." On 31 October 1974, the faculty voted for one of three choices on the ballot: (1) the forerunner of KNEA (at that time

the Kansas Higher Education Association), (2) AAUP (which lacked the blue collar and secondary education connotations of a prospective affiliation with NEA), or (3) no union. It came as a surprise to some that AAUP finished second to KHEA in the balloting, but the need for a union was palpable enough that the proponents of AAUP affiliation overwhelmingly joined the KHEA faction.

The first task of the faculty union's emerging leadership team, and one that gets overlooked all too often in organizational histories, was keeping in touch with unit members. In today's setting, this is easy enough; in the hostile environment of 1974-5, KHEA's newsletter, *The Mushroom Patch*, sported no conventional masthead and named no names, either faculty or administration, presumably for fear of retribution. The workaround was satire in which, as a well-known trope went, the anonymous authors implied that they and other faculty were being kept in a cool damp corner and fed manure. Meanwhile, the fungus farmers -- presumably President Budd and his administrators -- were the omnipotent authority figures disinclined to take any of their charges' supplications for fresh air or sunshine seriously. But while complaints about conditions of employment appeared as allegories in *The Mushroom Patch*, the underlying messages were clear enough.

While KHEA's leadership was keeping unit members in the loop and promoting solidarity among the faculty -- even in the form of mushroom keychains -- it petitioned the Kansas Public Employee Relations Board (PERB) for "unit determinization" -- bureaucratise for permission to exist. Records of those hearings reveal an overwhelmingly conservative regime in Topeka; board members' reservations about labor activism can be seen without reading between the lines. On the other hand, there were plenty of precedents for unionized university faculty; precedents that any challenge to faculty unionization in the courts would have had to overcome,

and conservative jurists value precedents. Business Administration professor Ralf J. Thomas studied those precedents carefully, focusing on a key portion of the roughly 200 college- and university faculties that had already unionized. He and his committee produced an 87-page study of extant faculty-administration contracts so that our local could benefit from previous examples when designing its first agreement. Remarkable both in its breadth and depth, the committee's research is also noteworthy in that it reflected a wider trend of accelerated faculty unionization that had begun in the 1960s.

Sadly, PERB's favorable decision in Topeka and Thomas's research on contract design did not make things easier at KSCP in the short run. Complaints and counter-complaints still made their way to Topeka, reflecting a local situation every bit as contentious as before. In at least one instance, union members had to meet off campus at Schlanger Park to avoid harassment. When the two sides did meet, mutual hostility and accusations of bad faith were the order of the day, sometimes underlined by silence, and at other times by gestures that would strike any current PSU administrator or unit member as bizarre. In one instance related to me by Judy Shaw years ago, the administration team left a particularly contentious meeting to strategize among themselves only to find upon their return that the union's bargaining team had moved to the other side of the table and occupied the administration's seats. The lead KHEA negotiator in those days was another Business Administration professor, Denver "Denny" Cope, fondly remembered by KNEA's founding generation for his superb negotiating skills (he had been an administrator and knew various things that the administration team wished he hadn't) and not so fondly for his cigars whose pre-smoking ban stench made any victories at the table less enjoyable. Meanwhile, the administration team was cleaving to the line established by Governor Robert Bennett, who had made clear in his January 1975 annual legislative message that

"adjustments in personnel" and "increasing faculty teaching load" were preferred state policies and already underway.

Union negotiators broached issues that Dr. Thomas's committee had found when researching other unionized faculties and the problems they faced. While their report's most salient features evince concern for the worst administration abuses of 1973-1977, its direct lineage to our present contract is nevertheless apparent. That the administration could fire a faculty member without a declaration of financial exigency or proving dereliction of duty had not only victimized underserving individuals but opened the door for attacks on academic freedom. Similarly, the faculty needed to have a hand in creating any faculty evaluation instrument, since evaluations affected pay and pay was a condition of employment. Faculty at other universities had also endured capricious promotion policies, an injustice that struck an equally familiar chord in Pittsburg. One former colleague told me that he had been denied promotion during the Budd administration merely because "the dean said I needed more seasoning," the exact definition of "seasoning" being whatever the dean thought it should be. So, too, did KSCP lack viable sick leave and maternity leave policies. When James Appleberry succeeded George Budd as president in 1977, the same attitude prevailed even though (or perhaps because) Budd had failed to break the union.

Given all of the above hurdles, it was four years before KHEA and the administration -- now, of Pittsburg State University -- agreed on a contract in the Spring of 1978. The next five years saw continuing conflict that only abated gradually and, when a degree of peace finally broke out, it was at least partly because several KNEA founders had joined the PSU administration. Nevertheless, 1978 was a watershed year. As sole faculty representative for the meet and confer process, KHEA negotiated guidelines for workload (12 credit hour

undergraduate, 9 credit hour graduate, maximum of three preparations), and shift differential, all subject to change only "after mutual consultation between the faculty member and his/her chairperson has occurred." A "Wearing Apparel" section guaranteed for the first time that the university would cover the cost of any specialized clothing or protective gear required by faculty, including gloves, aprons, goggles, and welder's face shields. Nor was it until PSU faculty had a contract that sick leave was guaranteed at the rate of one day per pay period. In the less than progressive language of the day, "pregnancy, termination of pregnancy, childbirth and the recovery therefrom" fell under the rubric of "personal illness," but at least those things were now covered. Other provisions that we now take for granted would also have been missing from the first contract had it not been for the determination of our founders. Departmental chairpersons could no longer penalize a faculty member for missing a class to serve on a jury or testify in court. And a mandatory retirement plan in which the university matched five per cent of a faculty member's contribution was finally in place, as were liberal provisions for the allocation of premiums.

Nearly half of the 1978 contract focused on grievance procedures; a telling comment on the travails of the previous five years. As with peace treaties that actually go by that name, a key ingredient was the suggestion that future confrontations might be avoided by free discussion of differences and efforts at resolution before things escalated. The steps in the grievance process were, save for minor editorial changes, the same ones we have today, as were the specifications for appeals and hearings, the latter of which were to be organized and managed by tenured or tenure track faculty. Section IV. B. emphasized PSU's break from its recent past most succinctly of all: "No restraining, coercive, discriminatory, or retaliatory action of any type will be taken against a faculty member by any supervisor because of the faculty member's desire to initiate or

participate in a grievance." So it was that when our first contract went into effect on 5 June 1978, Pittsburg State University turned a very important corner.

Any fair examination of the historical record -- in this case, the KNEA papers in Axe Special Collections and surviving personal accounts from KNEA's first four years -- reveals a group of individuals who made our professional lives far easier than their own had been. Their actions sometimes involved considerable risk to themselves, although it might also be said that the risk of doing nothing in the face of oppression would have proven far greater in the long run. We owe them our unbounded respect.