

Educational Negotiations:

DOWNHILL ALL THE WAY

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I HAVE just left a position as educational administrator where the duties of the position required my being one of the "silent" members of the administrative negotiation team. My sad duty was to attend meetings with my colleagues who were on what is known in our state as the "certificated employees council." It was terribly depressing to watch these teachers—all of them sincere and dedicated people—go through antic and degrading charades at the meetings. To compound the inanity by participation on the other side gave me a deep feeling of guilt. This convinced me that collective bargaining, collective negotiations, "meet and confer," or whatever you may call it is a terrible waste of the competencies of a lot of people in smaller school districts and is a dishonest and demeaning procedure unworthy of use in larger districts.

A mere description of the meetings in which I participated should be conclusive substantiation of these assertions, but I am afraid that those who are not familiar with the process will think I am making up the account.

I assure you that this is not so. I give this assurance because a good many of my non-educator friends have refused to believe me when I have told them what our teachers

and administrators went through in aping a weird model of labor negotiations.

"Silent" Members

In the first place, there was the idea of "silent" members. The teacher team in the district I left consisted of five members of the single organization representing certificated employees. The administrative team consisted of the personnel man, me (representing central office), and whoever else among principals and other administrators cared to attend. By common agreement, one teacher did all the talking for the teacher side and the personnel man did all the talking for our side. The rest of us sat there in silence no matter what we were thinking or what the two speakers said.

Once in a while someone would holler "caucus." This signal meant that one of the silent members wanted to say something. Because neither I nor any other member of the administrative team ever signaled, it was always one of the teachers who wanted to say something. But the teacher did not want to say something where we could hear it. So

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then came the business of leaving the room. Because leaving the room somehow signified an inferior status for the side which had to leave, we agreed to take turns leaving the room. The teacher side either stayed in the room or went out to "caucus," depending on whose turn it was.

I never did find out what the teachers talked about when they caucused. They never said when we came back together. It was eerie. I know they talked quite spiritedly because I could hear the noise through the walls. Sometimes they would go at it for 30 minutes or more, but when the joint meeting was resumed the speaker for the teacher side went on as though there had been no interruption. Several times our speaker tried to elicit what, if anything, had been discussed in their caucus. The rules seemed to dictate, however, that the teachers do not talk about what they talk about in caucus. I had the idea that the state teachers association, or someone, had told the teachers to keep quiet because you never want to let the other side know if there is any dissension in the ranks.

When we were isolated for the caucus, the personnel man and I (and whoever else was present for our side) sometimes would exchange a few impromptu remarks about the business at hand. But most of the time we talked about the foolishness of the teachers in insisting on those procedures when we all knew each other rather well. And if we were not careful we found ourselves tempted to get back at the teachers for acting the way they did. It certainly did not promote any feeling of common effort in pursuit of answers to problems under discussion.

Then there was the business of when the meetings were held. The administrative side insisted on meeting with the teachers group on school days after school was over. This was done deliberately on the assumption that teachers who have given a great deal to learners all day (as these had) would not be so alert as the administrators. Since the teachers did all the proposing and most of the disposing, they were not apt to carry on as long at the end of the day. It was felt that the only way to avoid this situation was to release teachers on the team from teaching, and this

would have been an open invitation to carry on indefinitely. The school district felt (and I think now justifiably) that releasing teachers to negotiate would be paying them for doing something they were not supposed to do. Additionally, since the meetings could have gone on all day, it would have amounted to paying the administrators for doing something other than what they were employed to do.

However debatable the reasons for the meeting time may have been, setting the time at the end of the day worked. The teacher talker remained reasonably functional by virtue of his participation, but the rest of us quite frequently found our eyelids at half mast. Only a couple of meetings ran past six o'clock and most concluded before five.

There was a disadvantage in the meeting time, however. Because of the reasonable time, we seldom disposed of all the business that had been proposed. This unfinished business was not carried over without addition at the next meeting. At the next meeting, the teachers would invariably bring back the old business and some new business besides. This resulted in a considerable backlog of unfinished items and a good deal of recrimination on the part of all the teachers because they were led to believe the administration was dragging its feet on their proposals.

Only "Demands"

And this brings up the items of business that were taken up at the sessions. The teacher side always had a good many booklets, position papers, reading material of all kinds from their state and regional associations. One of these booklets was *More! Teacher Power at the Bargaining Table*.¹ The following are illustrative bits of counsel from this publication:

Make sure your demands are escalated beyond what you really want, so that you may bargain back to that point. (Don't negotiate with yourself.) Do not bring in your lawyer to counter the county counsel or the school

¹ Roger P. Kuhn. *More! Teacher Power at the Bargaining Table*. Los Angeles: California Teachers Association, Southern Section, 1969.

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board's lawyer. Plead ignorance; tell the board's lawyer that his opinion is only that, and that he is a biased spokesman pleading a cause. Talk down to the board's lawyer from the standpoint of a professional teacher—"How can a lawyer understand teachers' problems?" Try to keep money items until the latter stages of the bargaining so that you will not be left with little to arouse the membership when you negotiate such non-felt needs as association security and other organization items.²

As a result of this kind of advice, the teachers and the administrators in this district talked about a great many items of business that were sheer fabrications. The teachers did not really expect anything from their "demands" and the administrators knew they did not, but the whole business was discussed in solemn tones and polite language. Quite frequently things were discussed which were totally unfeasible or inappropriate to the conditions in the school district, just because someone had proposed them as excess baggage.

The administrative team also had booklets and advice. One book talked about negotiation tactics and explained the following ploys: surprise, fait accompli, innocence, feedback, breakoff, feinting, crazymaking, smog, me too, you too, chance, limits, artichoke, good guy-bad guy, NATO, participation, statistics, and undermining. A couple of explanations should give the flavor of the kind of low chicanery advocated: "Crazymaking is the tactic of giving the opposing negotiators so many things to choose from that they will become confused and make concessions. In employee negotiations this is an extremely sophisticated device, and if done badly results either in breakoff by the other negotiators or in such confusion that they cling to proposals which you know they don't really want." Or, "NATO is the tactic of No Action—Talk Only. In NATO the negotiator talks and seeks concessions from the other party but holds his concessions. NATO

² *Ibid.*, p. 6.

frustrates the opposing negotiator because it maintains the negotiating relationship without giving him propaganda he can use against you." Or, again: "Innocence is the art of expressing ignorance. . . . The first instance in which this tactic is useful is when the district has engaged in some kind of fait accompli. . . . This type of innocence can be called 'trying to look good with your hand in the cookie jar.'"³

Actually, these tactics were never used in the district in which I was employed, but they are in a book made available to acquaint the administrators with bargaining. What the book advocates, quite simply, is lying.

Even though the negotiators to whom I am referring did not engage in direct falsifications and deliberate obscurantism, the process was full of dishonesty and deceit. It set the tone for much more that was insincere.

As a result of the negotiations process the teachers and the administrators in this district were set against one another. The teacher negotiators went back to their organization's executive board and cast the administrators in the role of villains. When the personnel man reported to the board of education in executive session, he always conveyed the intransigence of the teachers and their lack of candor.

Polarization

With negotiations there was a widening communications gap in the district. The administrators did not talk frankly and honestly to the teachers and the teachers did not talk that way to the administrators. At each school in the district, whenever a teachers meeting was held, the teachers would exclude the principal and hold an "association" meeting after the regular meeting. There was suspicion and mistrust.

³ Lee Paterson. *The Management Guide to the Winton Act*. Fullerton, California: School Research and Service Corporation, 1971.

And this was all so unnecessary. Each one of the district administrators had been trained in working with children, as had all the teachers. All of the administrators had been teachers and all of them viewed their main responsibility as providing children with a maximum opportunity for growth in a good educational environment—just as the teachers did. The administrators did not view themselves as “managers” and the teachers did not view themselves as “labor.” Yet they fell into the tactics of “labor” and “management.”

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Nothing was accomplished in the negotiations session that could not have been accomplished simply by having everyone get together in a democratic discussion. There were only about 160 teachers and administrators in the district. When they did get together, they made decisions with a great deal more understanding than they ever got out of negotiations. And all the school board policies and the administrative rules which were developed by negotiation could have been developed either by district meetings or by appropriate committees, probably more rapidly, certainly more cooperatively, and with more good will of a surety.

Of course, the district could have escaped the kind of negotiations it carried on by having the teachers association hire a professional negotiator, with the school board doing the same. Some of the larger districts have done this. It still does not prevent the kind of lying and estrangement that is inherent in the labor model of negotiations which is now so widely accepted by school districts. In fact, it probably worsens the process, because with professional negotiators all communication is secondhand and subject to distortions, deliberate falsification, manipulation for the privately conceived purposes of the negotiators. This has occurred

in California, where the largest school district in the state will not admit any teachers to the meetings where their representatives meet with a professional negotiator hired by the school board, and all teachers and administrators know about negotiations only what the representatives of each side want them to hear.

The happenings in other large cities should make it clear that the negotiations process is not working well. The story of the connivings, manipulations, falsehoods, strife, and finally the deep alienation of the public from their schools which have taken place in Philadelphia, New York, and Newark—to mention a few besides Los Angeles—is testimony to the futility of labor negotiations in school affairs. In all these cities, there are deep rifts in teacher organizations. The process has harmed everyone.

I do not think we have to participate in this process of conflict and polarization. I do not believe we have to listen to those people who say we must now accept the labor model in negotiations because we have gone too far to turn back. The strike has proved a disastrous failure to those organizations which have used it. While it may have gained some temporary salary benefits in some cities, it has fractionated teachers in other cities and has turned the general public against any salary increases for teachers. We do not need to keep on with what has become an obvious educational mistake.

It is still possible to solve our common educational problems without the tragicomedy of negotiations. Action research is still valid. What happens with people when they meet together in groups is still a valid argument for continuation of this approach to educational problems. We can still meet together sensibly and in dignity without the kind of hypocritical farce I have described.

The attitude of the British teachers as expressed by Sir Alexander Clegg may be enlightening in this regard: “The schools must establish humane and unselfish relationships in their communities even while outside both sides of industry recriminate against each other with charges and countercharges, strikes, and lockouts.” □

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