

March 2020

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Recommended Citation

Winters, Margaret E. (2020) "Asymmetries in the Bargaining Process," *Journal of Collective Bargaining in the Academy*. Vol. 13, Article 3.

Available at: <https://thekeep.eiu.edu/jcba/vol13/iss1/3>

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Cover Page Footnote

Long discussions with my husband, Geoffrey Nathan, inspired this essay. I thank him for the inspiration and for his feedback. I would also like to thank Ricardo Villarosa, Boris Baltes, Daniel Julius, and two anonymous reviewers for reading and commenting on a draft. I take responsibility of course for all errors of fact and judgement.

Asymmetries in the Bargaining Process

Margaret E. Winters¹

Introduction

Any evaluation of the balance between sides during the academic bargaining process, both at the table and behind the scenes, depends on one's point of view. Many, particularly on the union side, believe that management (administration in an academic setting) has an advantage; after all it hires, rewards (or refuses to reward), fires, and controls finances. Others, often on the administration side, worry about union domination; members can, at least hypothetically, picket or strike and fail, in this scenario, to understand the issues around work and, especially, cost. Another view is, perhaps, a more romanticized one, that sitting on two sides of the table (literally or, these days, figuratively, as we meet virtually), is a leveling experience so that the bargaining sides not only meet as equals, but perceive each other as equals. A variation on this last perspective is that the perceived advantages of union and administration cancel each other out, so that, over the period of bargaining a contract, things do reach an equilibrium.

This essay is an exploration of the first two views expressed above, that the administration or the faculty union has the upper hand in bargaining as seen from the other side of the table. What is proposed is that both sides are probably right, depending on what aspect of the negotiation process is being considered. To be clear, this is not a new attempt to talk about simple differences between the sides. Those have been well-studied and will continue to be analyzed. Rather we will consider a subset of differences where one side or the other has an a priori advantage, based on the inherent characteristics of a faculty union or a university administration rather than arising from the specific circumstances framing a given negotiation or from the skills of a given set of negotiators.

To jump to the conclusion, although both sides at the table have reason to worry about the advantages held by the other side, the principal asymmetries which emerge at the table are not necessarily those one would expect. There are indeed different areas of strength and different challenges which arise from the nature of unions and administrations, with consequences sometimes publicly acknowledged and sometimes only known to one side or the other. After this brief introduction, we will consider the fundamental nature of labor relations and its goals with the understanding that these are really a matter of differences and not necessarily asymmetries. It

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will be followed by considerations of the bargaining process, some other issues where real asymmetries may arise, and brief comments on graduate student unions and the asymmetries which arise as a result of the differences between those and faculty/staff unions. The concluding section will return to the stereotypical views of union and administration behavior with, it is to be hoped, somewhat more insight as to what underlies them.

What will not be discussed at any length are the conditions under which bargaining takes place in multi-university systems (for example SUNY or the California State system) to the extent that the dynamic differs from single-campus bargaining. There will be little said either about the role of state legislatures in university bargaining, although the state's role in setting limitations on general funding and, in some cases, in the scope of permissible wage increases often plays a role.²

Fundamental Viewpoints

It is quite usual at the opening meeting of negotiations for both teams at the table to state that they and their constituencies want what is best for their institution. This agreement is certainly high-minded and serves to start things off on a positive note. It quickly becomes clear, of course, that there is not a shared interpretation of "what is best for the institution" or, more practically, what would bring about this vaguely defined level of excellence. While rehashing the various issues which get negotiated in a normal academic setting is not a goal of this essay, it is worth noting the underlying goals of administration and union; interestingly, both can be characterized as conservative, although in different ways.

Administrative Outlook

Although there are, of course, exceptions, the administration is usually especially interested in financial conservatism. Especially for public institutions, funding is a combination of government (usually state) support, tuition, research funding with its returns to units and individuals, and contributions. Currently state funding is often fraught, and tuition dollars are not a steady source of income, all the more so during the last two years of pandemic. Some state governments are also mandating limits on the percentage that tuition may be raised, a mandate that is favorably viewed by students and their families, but which makes it very difficult for universities and colleges to make up ever smaller percentages of increase in public funding. Unions are looking for higher raises for their members and university conservatism consists in

² I have served as the contract administrator (administration-side) for academic contracts at two public, state-funded universities, Southern Illinois University Carbondale and Wayne State University. My views are, of course, formed by my experiences at both these institutions, but also through discussion with colleagues on both sides of the table over many years.

part in resisting these demands. The administration may even go further and try to reduce the percentage of increase for the union under a new contract, thereby going beyond the literal sense of conservatism since what is sought is not just the maintenance of past agreements, but an actual retreat.³

When it comes to non-economic matters, the administrative desire to maintain the status quo is, if anything, more pronounced. There is, for example, often an on-going tension about committee membership (not only who is invited to join any particular committee, but also who decides its structure and membership requirements) and responsibility for decision-making, with the union often looking to increase its authority relative to the administration, which in turn wants to maintain its status. Other issues pertain to appeals on decisions (tenure, promotion, applications for leaves or internal support) and who has the final word. While the outcome of bargaining in many cases is some additional degree of shared responsibility, negotiations may include discussion as to the administration's desire to maintain its authority and/or the union's motivation in proposing a diminution of this administration authority.

On the other hand, the administration may make proposals which are, in this sense, not conservative since they are conceived of as ways of furthering the academic quality of the institutions. At many universities in the last few years, the question of post-tenure review has been debated—heatedly—and can be construed as an innovation, a change, wished for by the administration. I will return to this example below since it is, in several ways, anomalous.

Union Outlook

The general union perspective of contract negotiations is also conservative in the sense there is a desire to retain all that was gained in past contracts. Rather more than the administration, the union, however, tends to make proposals at the table intended to add new policies and structures or to extend union or member participation in those which were incorporated into past contracts. Economic matters also attract innovative extensions. While salary increases are central to bargaining and usually the culminating issue, finances include other issues as well. The union may ask for university funds for childcare, more research support, or, particularly recently, support for DEI (diversity, equity, inclusion) initiatives, all to be coordinated by the union, often, in initial proposals, with little or no administrative say.

³ Please note that there is no judgment implied here or later in this essay; it is intended to be descriptive. There are, of course, exceptions to all the behaviors being discussed, so each topic is to be taken as addressing a general trend, not a hard-and-fast rule, and will vary in degree of importance (or even in kind) depending on circumstances. Negotiations by the central administration and a union representing faculty at a multi-campus system, for example, may well have a different dynamic, in part because both sides are at somewhat more of a distance from those they represent at the table than at a single-campus college or university. This is a topic, I would suggest, beyond the scope of this paper.

In matters of governance as well, there may be proposals for greater union inclusion in policy- and wider decision-making. Here too we can consider these proposals to be on the side of innovation instead of conservatism, with a result which goes beyond the usual boundaries of labor relations. In institutions which have faculty (or academic) senates or councils, these bodies may be the ones which wish to preserve the scope of their authority in the face of what they see as union incursions. In cases where the authority already rests with a faculty body, the administration may be neutral, stepping aside as the collective bargaining local and the other faculty/staff governance structure resolve their differences. Where the decision-making in question rests with the administration, more complex three-way negotiations may ensue, at times by back-channel between union and senate with formal continuations at the table in discussions between the union (reflecting its (dis)agreements with other governance structures) and the administration.

Process

The next two sections address asymmetries more directly, first in terms of the actual process of bargaining and then by considering ways in which unions and administrations carry out collective bargaining in the context of the wider university environment.

The Team

The choice of a lead negotiator is key to the bargaining team's effectiveness. Both union and administration generally make the choice thoughtfully, looking for some of the same characteristics in those they ask to serve: knowledge of the issues, ability to present arguments, team leadership. When it comes to the rest of the team, each side may seek different experiences and characteristics. There is an administrative tendency to choose by role, namely one dean, one chair, one representative of a School of Medicine if the faculty there are in the bargaining unit, or of another significant research unit. While prior experience at the table is important, the ability to understand and hence speak to issues at one's own level of administrative appointment is probably more so. Other desiderata may be the presence in the administrator's unit of members who belong to specific classifications (for instance librarians, academic advisors, or financial aid officers) or specialized academic expertise (a member of the Law School administration who works in labor law). In short, one's expertise as a campus administrator is most often the reason for which one is asked to serve.

While the same kind of representative selection may occur on the union side, other considerations may also be at play (e.g. a recent negotiation included a non-tenure-track faculty member who was for several years the campus leader in advocating to the university in question

for greater security for lecturers). More specifically, the union may give a place at the table to someone who has a personal issue with the administration (for example, denial of a leave or of tenure, failure to be appointed to an administrative position, loss of a grievance), who will argue almost exclusively for redress for that one issue. This kind of selection occurs particularly in new unions where often angry members are most likely to want to be fully involved, but can occur as well despite otherwise mature relationships. In other instances, the union team may be chosen by a vote of members; here too specific interests and specific constituencies representing these interests may play a role.

The resulting union team is often quite a bit bigger than the administrative bargaining group which may have five or six members as opposed to a dozen or so on the union side. In addition, the administration virtually always advocates for closed meetings, with others only included by mutually agreed upon invitation; they are usually subject-matter experts like the budget director, a specialist on benefits (coming either from on- or off-campus), or even someone to present basic campus demographic data at the beginning of the negotiations. The union, on the other hand, may ask for open negotiation sessions so that anyone who is interested may attend and even speak. Both stances are technically permissible, but both have their negative side. The administration is interested in not spreading rumors that agreements have been reached when in reality work is in progress, and proposals are changing frequently. The union, on the other hand, is more interested in the appearance of transparency and, with it, the support of its members who will ultimately vote on ratification. The union, or at least members who are demanding open negotiations, may also be thinking of them as a way of pressuring the administration side and, perhaps, attracting the attention of the media.

Strategy

In general, using sports terminology, we might think of the administration as the defensive team and the union as offense. Or, to invoke another metaphor, the union might be seen as the prosecution and the administration as the defense at a trial in a court of law. Both these images are meant to point to what is more or less the same asymmetry. The union tends to come to the table with a list of desired additions and modifications to the contract, adding more benefits, more voice, and higher salaries for their members. It is extremely rare for the union to propose a reduction in any of these areas although they may ultimately accept such changes. Their proposal on greater voice for faculty may, however, be accompanied by the exclusion of the administration from certain kinds of policy making. There may also be language which makes the union the decisive voice in disputes (with or without arbitration as a further step).

On the other hand, much of the administrative task at the table can be summarized as a defense against proposals from the union. This may take the place of outright rejection of some suggested change, for the removal of an administrative voice in certain committees, for example, where previous contracts called for participation. In other, probably more frequent cases, the administration may bring a counter which, while acknowledging the union interest, modifies or reduces the union proposal or challenges the union to prioritize multiple proposals around one theme. Among these might be an expansion of benefits for childcare, where the original proposal included extended maternity leave, recognition of co-parents, lactation rooms, the institution of childcare facilities or payment for the use of off-campus organizations, and so on.

While the pattern described here is a common one (union proposes and administration says no or reduces the scope of the union proposal), there are certainly exceptions. One such would be full reversal of the pattern: a proposal from the administration which is then rejected by the union. Some topics which elicit this kind of exchange are reductions on the economic side (benefits including retirement contributions, and the percentage raise of salary) or new forms of review and oversight (the introduction of post-tenure review arises frequently from the administration side).

There are certainly occasions as well where both the union and administration not only agree in recognizing a problem, but work jointly to rectify it. This agreement may arise where procedures in past contracts, which seemed clear at the time the earlier contract was bargained and ratified, have proven to be hard to interpret and hence to put into action. The bargaining teams may work on clarification in regular sessions or may form a subcommittee with membership from both sides to come up with solutions. An example from my experience was the definition of “pools”, developed in a first contract with part-time faculty to avoid a strict seniority system. When implemented in departments, the contract language gave rise to many unanswerable questions and to too many ad hoc decisions, so at the time of the first reopener contract, the union and administration, meeting both at the table and in smaller working groups, drafted language which set out the system more transparently. It should be said that each further iteration of the contract has brought additional changes in detail and clarification so that the pool membership could be better assigned to represented individuals, carried out by administration members with union oversight.

Scope of Bargaining

In many ways there is no difference between the sides as to scope of bargaining. In theory, of course, each article is taken up in turn (or perhaps grouped with other related ones) and the shared focus is on the content of that article. There are, however, some aspects of bargaining

which point to differences in kind in the view of each side as to the scope of their undertaking. To be clear, this section addresses institutions where there are other academic unions (representing non-tenure-track or adjunct/part-time faculty, graduate or undergraduate students) and/or what might be called the trade unions (engineers, janitorial, secretarial, among others).

The imbalance, on the whole, points to the degree to which other unions and non-represented groups figure in the discussions behind the scenes or at the table. The administration tends to think rather widely about consequences of negotiations for the entire institution. It is often the case that non-represented employees (ranging from the executive group to confidential assistants who may not make more than represented department-based staff) are granted the same employment benefits as those negotiated by a faculty union. This may also be the case for other groups such as graduate assistants.⁴ Another form of awareness of other unions on the part of the administration is the care—ideally—with which increases in salary are brought to the table since it is well known that others, often campus trade unions, will pay close attention to what faculty gain. In my own experience, the Director of the Office of Labor Relations (which serves as the administrative side of non-academic locals) was always very much concerned that faculty salary increases (as expressed by percentages) would remain reasonably close to those for the non-academic unions. The fear, of course, was that the percentages would be sufficiently higher than for the trade unions to cause challenges during the negotiations carried on with these other unions.

The unions, on the other hand, tend to view bargaining more narrowly, that is, focusing on meeting the needs of their own members.⁵ There is rarely, if ever, any discussion about what non-represented members of the institution may be earning (including benefits) except as an argument to increase the economic package for the members of the union. The relationship with other unions may be non-existent or quite complicated. At my institution, for example, all the unions—academic and trade—have long since met as the Coalition of Unions to consider issues of shared concern. Until recently the faculty/academic staff union representatives at these meetings tended to dominate; the on-going pandemic and some recent changes in leadership have given rise to more activism on the part of the other unions and more collaboration in bringing concerns to the administration. Even then, there was little mention in recent negotiations of the perspectives of other unions. The one exception was in bargaining around childcare and healthcare (although not family leave policies) where there was an

⁴ At my university graduate teaching assistants, although represented by a separate union, receive the same benefits as full-time faculty and academic staff (a single union) with the logical exception of retirement benefits which, of course, would not be appropriate for students who, we hope, will finish their degrees and go on to careers, usually elsewhere.

⁵ An exception arises if there is an attempt going on at the same time to organize other employee groups. In that case, there may be proposals at the table intended to be attractive to other, non-represented constituencies.

acknowledgment that some of what was being proposed would be extended to members of other bargaining units and that there were additional costs related to the extended breadth of the suggested policies. Otherwise there is no sense from the union side that their bargaining would be considered the setting of a pattern, a point of real concern from the point of view of the administration.

Other Issues

Not all of the imbalances between the sides arise directly at the bargaining table. Some, discussed in this section, stem from the nature of those represented by the teams (both administration and union membership) and the relationship between the teams and what we might call the outside world, that is, others in the campus community and the media.

Reporting Lines

Administrations, almost by definition, are a hierarchical group. There are clear reporting lines and, generally, an ingrained sense not only of to whom one reports, but also what the expectations for the position may be. It is also usually very clear, by statute, by policy, or by long-established practice, who is ultimately responsible for any given decision. This mindset extends to administrators as they are involved in negotiations, either as an advisory group or at the table. There will, of course, be discussion—often quite lively—as to strategies and desired outcomes, but in the end the most senior member (most often the institution president/chancellor) will make the decision as to goals for negotiation and desired outcomes, with the understanding that strategies for achieving these goals are the purview of the table team who can judge minute-by-minute nuances. Although team members may not always agree in private, perhaps because the senior members of the administration are willing to accept a proposal from the union against which they have been arguing for a while, they will present a united front at the table, following directives.⁶

In general members of the administration who are not directly involved in negotiations (deans, chairs, and directors), even if non-represented, will not be informed of every move at the table, nor will they ask to be. A more usual procedure is to provide, at the most, a confidential periodic up-date for deans and others at that level, but more often not for chairs of departments. In the same way, the institution board will be up-dated periodically. Questions at that level are handled by the president/chancellor and may not even be conveyed to the negotiations team

⁶ Pressures on the table team may be increased, however, if the decision-maker(s) are either fiercely anti-or pro-union to the point where the team may feel that they cannot respond to give-and-take at the table without speaking out against administrative decisions, instead of finding well-developed arguments for them in the context of institutional need.

unless there is a strong desire on the part of the board to make clear to them what they consider the necessary outcome, to the advantage, variously, of one side or the other. One board with which I interacted a while ago was convinced by the union leadership that the university was at fault in not allowing union shop and directed the administration team to accept it (a concession that ultimately became moot through the Supreme Court decision on *Janus v. AFSCME*, 2018). More recently boards have expressed heightened interest in the very nature of tenure or, at least, the desire to strengthen the review of tenured faculty.

The union may have a more difficult task managing its constituency. Although there is certainly a governing structure (officers, some sort of advisory council, and so on), individual members who are not part of the leadership group may take an interest in what is happening at the table, not in the least because what is decided there will have impact on their professional and even, through economic outcomes, private lives.

The union is often under pressure to report frequently on progress, or lack thereof, at the table, not just to officers or advisors, but also to the entire membership. There may even be a call (as there was when I last was engaged in bargaining) to make the entire process open; every version of every proposal would then be made public (presumably on the union electronic mailing list or an equivalent) and open for public discussion. In cases where the union table group does not want to follow that practice (there are good reasons for not publishing every version of a frequently evolving document) and the union officers concur, there may be a great deal of pressure on their own negotiating team from represented members who, while well-meaning, do not understand the importance of, so to speak, unsupervised give-and-take at the table. Disagreements about how open negotiations should be may also arise within the negotiation team, but it would be very rare for the administration team to concur, either by agreeing to access to the table or to posting proposals.

This asymmetry has one further aspect. When the time comes for ratification of the results of negotiation, the administration side is usually ready to do so. The process should have been monitored all along by those to whom the team reports (variously provost, president/chancellor, board), with concessions to the union strategized and approved during the process. Administrative ratification is almost a non-event under these circumstances; it will be reported to the board, if the board does not play a direct role, and announced to the various levels of institutional administration. On the union side, however, ratification is not a given since all members are eligible to vote. The union leadership and team have the task of presenting the tentatively agreed upon contract and laying out the case for ratification. Ideally, the governance committee of the local, with whom the team have consulted all along, will not be surprised by any of the content and will indicate their support. With this endorsement, the contract will be

presented to the members. Concurrence with the contract is sometimes indicated by the vote with a large margin. However, given that within an academic community there is always a range of opinions on most matters, there may well be disagreement about the acceptability of the contract provisions, with the result that ratification fails and at least some parts of the draft will have to be negotiated further.

Level of Discourse

How matters are discussed at the table shows another kind of asymmetry, one of style, showing up in the choice of ways to approach the other side. In this aspect of negotiations as well, the administration team works as a unit, with members publicly silent as to their personal views about the issues at hand. The lead negotiator will generally do most of the speaking, with carefully orchestrated presentations by other members of the team. To a very great extent, these specialized presentations will be data-driven, set out in much the same way they would be at a professional conference. The tone tends to be somewhat formal and professional, and very rarely negative about the members of the union team or even the union in general. There is very little addressing the union or its membership as “you people” and very little that can be labeled *ad hominem*, negative personal statements, although some may, of course, be interpreted as such.

The union side, on the other hand, may not feel as constrained as to what it has to say or how to express it. There is often an explicit anti-administrative stance in its presentation of proposals which takes the form of blaming the administration (as if a monolith) for the ills of the institution. In some cases the blame is legitimate, although often highlighting a situation which originated in a non-academic unit and was therefore not brought up at either meetings between the union and the administration or in the framework of a faculty senate or council. In other cases there may be a misunderstanding of what is perceived as administrative error. In any case, there is a greater tendency toward personal remarks and expressed personal bias on the part of the union team, either in an official response to a proposal or as part of an open discussion; these may occur when the lead negotiator has invited others to participate or has been interrupted by one or another member of the union team who feels that a stronger statement should be made. There is, in fact, more chance of interruption by its own members during a presentation on the union side. Most frequently, the administration team will not defend against such personalized attacks and may indeed further irritate the union team by being unwilling to discuss blame as opposed to the merits of whatever proposal is on the table.⁷

⁷ In a particularly fraught first-contract negotiation at which I was lead negotiator for the administration, the (very inexperienced to be sure) union members attacked me, as stand-in for the entire university, in both the university and town newspapers. Neither I nor any other member of the administration thought it wise to respond either publicly or in private, to the frustration of personal well-wishers.

Confidentiality

Related to disagreements about whether bargaining sessions are to be open or not (with administration asking that no guests attend unless they are subject-matter experts agreed upon by both sides) is the question of confidentiality. The asymmetry may take two forms. First, there is the question of how much is shared with the bargaining group's (team and advisors) wider constituency. As was said above, there is an occasional administrative briefing of the institution board, although not with any great detail about specific issues unless they are matters where the board's guidance is necessary. Nothing is hidden, but the report is usually presented at a high level rather than with much detail. Reports to other members of the administration, not directly involved in negotiations, are relatively rare and there is generally an understanding that communication is on a need-to-know basis, both to maintain confidentiality and to discourage misunderstanding of work in progress.

The union, however, is often under great pressure to report frequently, not only to its board and any advisory group, but also to the membership on the whole. While there may be good union-internal reasons to do so, it is difficult to ask what may be a group of several hundred or even several thousand members not to discuss what they hear at such meetings. Inevitably there will be some leakage. It may be to the media (see below) or even take the form of a friendly discussion with a trusted non-represented member of the institution, in either case bringing unnecessary pressure on both bargaining teams to enter into public discussions before matters have been resolved.

The relationship with the media varies. In larger locations with well-established institution/union contracts, there is usually no interest except, perhaps, from the student newspaper. However, in smaller towns, in particular where the institution is one of, if not the only major "industry", there may be lively interest. It is frequently the case that ground rules for negotiations include a ban on speaking to the media, often proposed by the administration and, in many instances, resisted by the union. In a recent negotiation, a compromise was reached, as follows: "There will be no unsolicited statements to the media from bargaining teams during the negotiations unless by mutual consent." In this particular case, there was no call to talk to any media representatives. Other solutions may include an agreement that all communication with the media should be done jointly, either at the request of the media or, preemptively, through occasional public communiques to report progress. Elsewhere, with or without explicit mention in ground rules, the administrative side will avoid media interest and, if necessary, depend on a designated spokesperson, often from the university media relations office or a single member of the bargaining team.

The union approach is often similar, in that team members and other officials will not comment on the negotiations. The union, however, represents a wider and, if it can be put this way, more unruly constituency. As was said above, the union is more likely than the administration to provide briefings to this constituency, open to all those who are interested and often, as a result of questioning, with a great deal of detail on proposals addressing issues which have not yet been resolved. Since academic culture, on the whole, is one of a deeply-held belief in independent thought and action, someone not directly involved with negotiations may approach the media, either deliberately commenting on work in progress or not understanding the give and take of the table. Once this happens, the negotiation team and/or union leadership may decide to speak to media members, either to repair the damage of incomplete and/or misunderstood information or in the belief that the official or unofficial rule has now been broken and they are free to speak. There may also be the hope that media attention equates to embarrassment for the administration and even may alert local and state politicians to the faults of the university vis-a-vis the local.⁸ The administration will more often than not maintain its silence.

Graduate Student Unions: A Short Note

Most of what was said above about asymmetries between the administration and union apply as well to graduate student unions and bargaining. However, there are some additional ways in which imbalances emerge here. There is, as was already discussed, a tendency on the part of the union team, and particularly for graduate student unions, to want the whole process to be open and transparent. As a result, the teams tend to be larger and made up more of those who are interested in the process as well as those with special skills or experience. It is also harder for the administration team to prevail about confidentiality of any kind. Again, as with media communications discussed above, there may be reluctance on the part of the union to sign on to any ground rules which restrict free communication. One topic is agreement with a ban on texting during bargaining sessions, not just to fellow team members (administrative groups will do that as well since it is less conspicuous than passing paper notes), but to their wider constituency of represented graduate students. Texting is, after all, very much a way of life for up-coming generations. Even if such a ban is approved in the ground rules, it is occasionally observed in the breach, with the union table leadership unable (or, for various reasons, unwilling) to enforce compliance within the team.

Most of the further issues reside in the nature of the teams. Because graduate students have pressures of a different kind (papers due, expectations of lab and classroom participation, exams

⁸ This ploy was successful in one negotiation I can think of with the result that the administration was obliged to answer legislative questions while at the table.

to prepare for), their interest in negotiation often takes second place to their student responsibilities. Team membership is, as a result, not always stable; members appear and disappear depending on their other obligations. Even the lead negotiator may change, particularly if the negotiations are prolonged. The union professional (a staple on many negotiation teams at all levels) may be a graduate student him/herself using the position (often part-time) to support graduate education and hence subject to the same academic pressures as others on the union team.

Another salient imbalance between teams in these circumstances is the degree of knowledge of the process and sophistication in making arguments, both of which develop with experience. Students often volunteer to be on the bargaining team because they are pro-union in theory, think the work would be interesting, or, like team members of other unions, have a personal issue. What is often lacking is knowledge of how traditional bargaining works, occasionally in the very basic ways in which proposals are presented, rewritten as counters, and eventually resolved. The result is that the administration team, or at least its leader, must do a certain amount of instruction on, for example, the need for fully fleshed out counterproposals, rather than prolonged discussion without written exchanges. Beyond the process of written exchanges, negotiators from graduate unions are not always certain as to how to address the opposite team; they may defer excessively or be more aggressive than other teams.

Finally, student teams do not always grasp the limitations on what can or should be brought to the table. There is a tendency to want to bargain very widely, beyond the matters relevant to the graduate student circumstances and the needs of their union, extending to university-wide issues and even matters beyond the reach of the institution. Administrative proposals tend to be focused on their perception of student needs and may often appear much too narrowly defined from the point of view of the other side of the table. Proposals from the student union may have been developed based on their relatively limited knowledge of how the university works and what may or may not be attractive or even possible. There are often attempts, for example, to bargain working conditions for non-unionized groups (research assistants in many institutions where they are differentiated from teaching assistants) or universal access to childcare regardless of union affiliation, usually too expensive to be manageable by most public universities.

Conclusion: Summary and Broader Consequences

This essay considers ways in which academic labor relations is informed, at least to some extent, by the ways in which the administration and union teams are essentially asymmetrical. It is important to differentiate asymmetry from difference; the first section addresses some underlying differences, parallel circumstances which, however, result in varying approaches to

the table by one side and the other. The rest of the essay looks rather at ways in which the differences are to a much greater extent of kind and not of degree, although there is no clear line of separation between the two. Varying interpretations of “what is good for the institution” are usually differences of degree, for example, while opposing views on the desirability of media attention are differences in kind.

Imbalances occur, then, internal to the bargaining process in the constitution of the bargaining team/advisory groups and in perceptions of the previous contract is viewed (to be expanded, maintained, or reduced as to the scope of union or administration interests). Also under consideration are the notions of team discipline, table behavior, public (or at least table-based) attitudes about the opposite team, and the role of confidentiality, both vis-a-vis the wider constituency of the teams/advisory groups, and also vis-a-vis any relationship with the outside world, specifically the media. It is in these areas that differences of kind rather than degree show up, often through diametric opposition.

How can we sum up the asymmetry, then? The administration can be characterized, stereotypically, as unyielding, presenting itself at the table as if with a homogeneous and largely silent facade, preferring to give nothing away either literally or figuratively. The union, quite differently but still stereotypically, can be summed up as presenting itself as a heterogeneous and demanding group of individuals each of whom wants more of something from the administration, although not always the same thing. Stereotypes are, of course, often exaggerated characterizations, but they also, often hold a grain of truth and should be recognized as such.⁹ Those new to academic bargaining may find some of the imbalances particularly challenging and need to be aware of the ways in which they are entering a world which is quite different from other kinds of negotiations.

Changes in behavior are not easily made, but, for example, the administrative team might be somewhat more open to acknowledging criticism (there is a tendency to stay silent, an annoying tactic from the union point of view) and the union team might be less eager to consider “the administration” as a monolith or, even worse, to attack individuals personally while they are representing one or another aspect of the administration. The administration team might be chosen, as well, not just for technical knowledge of the institution, but also for the ability of individuals to weigh differing points of view. This ability is also sometimes lacking on the union side where it might be better for members to be chosen for general knowledge and not because

⁹ It is also the case that one side or the other may use stereotypes strategically by reversing them. The union team, for example, may sit in stony silence to indicate a particularly intense level of disagreement with an administration proposal, while administration team members may plan carefully orchestrated tantrums as an atypical reaction to communicate strongly felt displeasure.

they have a particular grudge, manifested as a burning desire to change some single aspect of the academic world.

To conclude, stereotypes do sometimes really exist and so do the asymmetries discussed in this essay. Union/administration relationships do best when there is more recognition that there are problems to solve and particular interests to recognize, with less of a sense that the table is a battlefield where each side believes, because of imbalances of varying kinds (some favoring the administration and some the union) that either lashing out or refusing to engage is the way to reach resolution.