

Nā Kumu o Kamehameha *News you need*

Please

*Attend this Nā Kumu meeting:
Tuesday, 11/9, 3:45 p.m. in the
Performing Arts Band Room*

agenda:

- 1. Pule*
- 2. Organizing Committee — Discussion and decision making regarding next steps*
- 3. Consideration of possible Nā Kumu response to Colbert Matsumoto's report, the Broken Trust II article, recent statements by Lokelani Lindsey, and Patrick Yim's December 5, 1997 report.*
- 4. Sign-up for working groups*

Results of the straw poll

At a Nā Kumu meeting on 11/17, eighty-one faculty members voted in a straw poll (using confidential ballots), in order to provide a direction for the organization at this critical juncture. The time has come to make some hard decisions, as we all know. Here are the results:

- 59%:** Form an independent Kamehameha professional faculty association recognized by the National Labor Relations Board (NLRB) as a collective bargaining unit.
- 30%:** Form a professional faculty association affiliated with a labor organization, such as the American Federation of Teachers or the National Education Association.
- 8%:** Form a professional faculty organization similar to the old KSA, to the extent allowed by the administration.
- 1%:** (one person) Do nothing at all

In other words, approximately ninety percent of those voting favor forming a professional, independent faculty association recognized by the NLRB as a bargaining unit. Of that ninety percent, most favor an unaffiliated association. Based on these results, Kamehameha teachers need to seriously consider forming a professional faculty assembly/union which would be officially recognized by the NLRB and by KSBE.

Who is receiving this?

Every faculty member at Kamehameha should get a copy of this.. It has been written by the Nā Kumu organizing committee, and contains information you may have missed if you did not attend every Nā Kumu meeting, or had to leave a meeting early.

Nā Kumu has not been able to obtain the names of all faculty members, and we are not absolutely sure that everyone has received this newsletter. Please ask your colleagues if they have received it, and if not, please share it with them.

Dues / Fundraising

At a recent Nā Kumu meeting, some teachers expressed concern over the dues they might have to pay if they become members of a professional association. If we model ourselves after the independent faculty professional association at Mid-Pacific Institute, we would each pay about \$10 per month. In the meantime, we need volunteers to brainstorm fundraising projects among our members, and financial supporters to help our new organization get off the ground.

The bargaining unit

Labor attorney Dean Choy has suggested that we look at the formation of a faculty association as a two-stage process. In the first stage, we would define the bargaining unit as simply as possible. The example he offered of a simple definition is all full-time faculty engaged in direct instruction on the Kapālama campus. He calls this the "vanilla ice cream definition."

Of course, we all want to include the folks who are our colleagues, including part-time faculty, department heads, teachers on the neighbor islands, teacher aides, and some other members of the A-Schedule faculty and other professional staff involved in providing instruction to students. Those people would be included in the second stage, in a petition to enlarge the bargaining unit, immediately after the election. This will give our new organization a much more complex blend of flavors (strawberry mocha java?)

Why go through this two-stage process? The more complicated our definition of the bargaining unit, the easier it will be for KSBE lawyers to challenge and delay the election process. Choy strongly suggested we keep the definition as simple and straightforward as possible right now, to minimize delay. Delay, he assures us, is *not* in our best interest if we really wish to organize.

The process

Randy Girer, a representative of the National Labor Relations Board, came to speak at a Nā Kumu meeting on 10/30. In addition, Dean Choy, labor attorney, also spoke at our last meeting, on 11/17. Both outlined steps Nā Kumu members must take if they do decide to ask the National Labor Relations Board to recognize them as a collective bargaining unit (a faculty union). The procedure is simple and straightforward.

- Define the bargaining unit, identifying exactly who its members are. (See the article on the bargaining unit in this newsletter.)
- More than thirty percent of those members need to sign a short statement with very specific wording. It is best that the signature be witnessed by another faculty member, the person collecting the statements. It is important to understand that signing the statement merely indicates interest in looking into the possibility of forming a collective bargaining unit recognized by the NLRB. Signing the statement does not mean that you support forming that kind of association.
- That person collecting the signed statements then delivers the statements first to a secure place in the office of Dean Choy, and then to the NLRB.
- If a vast majority of those in the defined bargaining unit sign this statement, we have the option of asking KSBE for voluntary recognition of the faculty as a “official” NLRB bargaining unit. KSBE, of course, has the option of declining the request.
- If more than thirty percent of the defined bargaining unit have signed statements, the NLRB sets a date for a formal election that will be organized and monitored by the NLRB. The date is usually 45 to 60 days after the signed statements have been certified.
- It will be an “official” election similar to those you participate in when you elect people to city, state or national office, complete with convenient polling places, private booths and election monitors. Needless to say, your vote in that election remains totally confidential, forever.
- If more than fifty percent (fifty percent plus one) vote to form a collective bargaining unit, it gains NLRB recognition, and its members gain the protection of federal and state laws written for such units.
- If fewer than fifty percent vote to form a collective bargaining unit, another election cannot be held for one year.

- In a few years, if association members feel that the association is no longer serving their needs, they can always have the option to de-certify themselves, using the same democratic process.

What’s in a name?

Given the results of the straw poll, it seems clear that there will soon be a new professional faculty association at Kamehameha. What should we call it? We could call it Nā Kumu o Kamehameha, but then we would have to eliminate or “demote” some folk we love dearly and who have been wonderful supporters. Nā Kumu was conceived as a way to include faculty in an ongoing conversation about the school. Many people would like to keep Nā Kumu as an all-embracing vehicle for communication and for professional issues that might not fit into the more narrow role that the NLRB has defined for a collective bargaining unit.

The possible new organization could establish a separate identity and take care of bargaining, grievances and other things usually handled by such associations. It will also guarantee the faculty a public voice that cannot be stifled by oppressive employee handbooks.

If we do keep Nā Kumu as an all-embracing vehicle of communication, what should we call the new organization? Kamehameha Faculty Association? Kamehameha Schools Association — KSA? Nā Kumu Professional Association? Of course, we can decide later, and call ourselves the “To Be Announced Association.”

The ground rules

The process of forming a faculty association recognized by the NLRB is governed by numerous rules and laws. They are designed to protect the integrity of the process and to allow employees to make up their own minds without pressure from either side in the debate.

- No one can pressure you. However, another faculty member can approach you and ask your opinion, or ask if you would like to hear their opinion. If you say that you are not interested in talking, that person should go away and not bother you again. It is illegal for any member of the administration, from department head up, to approach you in this manner.
- Another faculty member might ask if you would be willing to sign the statement described above. It is illegal for any member of the administration, from department head up, to ask you to sign anything, or ask you if you have signed anything.
- Someone might offer you some literature. You have the right to decline to accept it, of course.

- None of these contacts with other faculty members should take place when you are actually teaching. You might be approached, however, in a lounge, during a prep period or in some other non-teaching situation.
- The administration does not have a legal right to make changes in policies or procedures that are already in place, just to make organizing more difficult. For example, if non-KSBE organizations have been allowed to use KSBE facilities in the past, Nā Kumu cannot suddenly be prevented from also using those facilities.
- The most basic ground rules: politeness, courtesy and respect!

One teacher's opinion

I was insulted by our new employment handbook, and felt personally humiliated when I had to sign it, and give up some of the basic rights that most other teachers in the nation take for granted. Don't forget that at one Nā Kumu meeting an ACLU attorney who specializes in employee handbooks called it "the most oppressive employee handbook I have ever seen." I felt even more devalued when I learned that the five-year contracts had been tossed out, and that I now have only a year-to-year contract.

However, I really want to see a professional faculty organization at Kamehameha because no one else is articulating what I perceive to be the needs of my students. Because we spend the most time with them, and because of our extensive training, we really do know what is best for our own students, much more so than those at other levels of the institution. Our judgements about their needs *should* be given the same weight as the judgements of other professionals, such as doctors and lawyers. However, as you know too well, decisions affecting day-to-day classroom activities, curriculum, study help, detention and other aspects of the student-teacher relationship are frequently made "above our heads," with little or no consultation. Sometimes those decisions appear to be motivated by politics and obsessions with accountability, or a mistrust of the competence of teachers, or even empire-building within other levels of the organization.

Please consider that not forming a faculty professional organization is in some sense an abdication of our professional obligation to our students. No one else in the institution, especially this institution, is capable of standing up for their interests. To the extent that we give up a strong, independent voice, we abandon them. And even if conditions improve dramatically next month, only a professional organization will guarantee that students ten years from now will benefit from a strong, independent faculty voice, when a new administration and new trustees may decide once again that an out-dated, top-down corporate management style suits them.

Another teacher's opinion

Events over these past few months have revealed that we, teachers of Kamehameha's Kapālama campus, must have a professional organization which represents our many voices. Our students, our experiences in the classroom, our research, our philosophies and our imaginations must be allowed to blossom and find a place in the world of education. As educators, we are also responsible for articulating our opinions as they relate to the world around us, to our colleagues within and beyond our institution, and to our community. We must be free to voice our thoughts, feelings, and concerns without fear of untoward criticism, reprimand, discrimination, or worse, termination.

Now is an opportune time to set a course which will have far-reaching and positive results for us as well as for future generations of students and teachers at Kamehameha. The Kamehameha Schools could and should be an institution where each faculty member has a voice, can pursue dreams, can grow both spiritually and academically, where each faculty member feels empowered to make decisions that can truly make our institution among the best in the world.

An independent faculty organization of Kamehameha teachers at our Kapālama campus, recognized by the National Labor Relations Board, would empower and protect each of us. We would ensure — collectively, and in perpetuity — that individual colleagues could fully participate, without fear, intimidation, or alienation, in an environment that would encourage improvement, refinement, modification, and even change, at our institution.

Through unity, we can fulfill Pauahi's dreams, and never again let the rust of corruption, megalomania, and narrow, self-serving purposes taint her vision. On one hand, we take pride in our independence as teachers and our individual abilities to inspire our students. Our classes reflect this. On the other hand, it is time to stand together as one faculty. Furthermore, we must organize, despite all adversities, on behalf of our precious students, past, present and future. We can and will make a difference, and when the history of this struggle is revisited, it will show that we will have prevailed, the teachers, Nā Kumu o Kamehameha.

Mid-Pac teachers offer support

Why does a small, private school like Mid-Pacific Institute have a teacher's union? If teachers are professionals, then why is it necessary for them to organize themselves into a collective voice to protect their rights? These are questions that new teachers at Mid-Pacific ask when they arrive on campus. Mid-Pacific is the only private school in Hawaii that has a teachers' union which may be why it is the only place where such questions are openly discussed. Now that

teachers at Kamehameha School have found it necessary to form Nā Kumu o Kamehameha, my guess is that these teachers already know the answer. The question is why isn't it obvious to other teachers?

It could be fear. One needs only to look at the front page of the daily newspaper to realize why the word "union" is such a charged one. It is understandable why people imbued with the kinds of ideals that made them choose teaching as a profession, would balk at being associated with such examples of corrupted power in some union leaders. It is certainly one of the ironies of the history of the development of unions in America, that the very people who were victimized by those who had the power, would themselves, in some cases, once they attained strength through organizing against the abuses of power, become corrupted. These kinds of headlines do much to feed the irrational idea that unions are inherently bad. This might explain why professionals like teachers use words like "association" or "assembly" in place of "union" in the title of their organizations. A talisman, perhaps, to assuage the fear of the inevitable "big union take over." I can tell you that there is no basis to this fear. The word "association" in our name is not what has kept the "big guys" at bay for the fifteen odd years since its inception. It is simply by choice that the Mid-Pacific Teachers Association is an independent, non-affiliated, NLRB-certified collective bargaining agent for the teachers of Mid-Pacific Institute.

Perhaps there are other reasons for the euphemisms. Teacher unions are different. Teachers see themselves as professions, not as employees of a company that is concerned with a much different product than teachers are concerned with. So when Lokelani Lindsey, in her role of "lead trustee" for education at Kamehameha Schools, justifies her "top-down" management style by equating teachers with the employees of the Coca-Cola company "... who do not determine how many bottles of Coca-Cola must be produced each year," she has, as have many educational administrators, undermined an atmosphere of mutual trust between teachers and administration that is essential to the business of education. After all, students are not bottles that teachers fill with cola.

Moreover, teachers are not quite like other professionals either. In other professions, like medicine and law, it is the professionals that hire the administrators. Teaching is one of those professions in which the administrators hire the professionals. So it is not surprising that administrators are easily tempted into the self delusion that they know what is best for the teachers and education. That is not to say that there are not many brilliant school administrators around. I doubt, however, you'll find one that hasn't established an atmosphere of mutual respect and trust with the faculty. Top salaries and first-rate facilities don't amount to much where this atmosphere is lacking. Enlightened leadership, though possible, is never guaranteed; if we could count on it, there would be no need for unions.

The situation, faced by Mid-Pacific teachers about fifteen years ago, was remarkably similar to the one faced by the Kamehameha teachers today, though not on the same

scale. There was an administration that felt that top-down management was the best policy, that it was not necessary to involve teachers in major decisions that drastically affected what happened in the classrooms. There was not an atmosphere of free and open dialogue between teachers and the administration. Capricious and arbitrary decisions were made about teachers and curricula that led to a devastating atmosphere of distrust. That is when the teachers were left with no choice but to form the Mid-Pacific Teachers Association. It wasn't a power trip. It was a move by the teachers to save the school. Even though succeeding administrators might quietly wish that we would go away, and even provide an "enlightened leadership" that would preclude the need for a union, it won't happen. The reason is that Mid-Pacific continues to become a better place because of the working relationship that exists between the union and management. Teachers may work twenty to thirty years, but administrators come and go. The association ensures a smooth transition, not only between changes of administrations, but changes in the structure of the curriculum and school as well. The association works continuously with the administration to ensure there are no hidden agendas and that teachers are involved in decisions that affect them and the education of the students.

Association members have voted to have ten dollars per month taken out of their salaries so that funds are available to assist teachers in grievance procedures and to defray professional development costs. With a three-year term to the contract, these accumulated funds are necessary for the effective negotiation of new contracts. Though we have come a long way in fifteen years, there are always new issues that need to be worked out. Sitting across the bargaining table with the administration is the best way to make sure the teachers' common voice is heard.

The contract guarantees that discussion is a continuous process throughout the term of the contract by providing for a minimum number of consultation meetings between the administration and the Association during each quarter. These consultations, which happen more frequently than the minimum specified in the contract, keep the dialogue between teachers and the administration open and frank. This process helps resolve day-to-day issues as well as clarify those issues that need to be negotiated.

Though it is not an easy task for the officers to accomplish all this, for we are all full-time teachers, the effort is worth it. There is much to be done, from improving salaries, benefits and working conditions, maintaining open communications between teachers and the administration, to representing teachers in grievances and labor disputes. When all of this results in meeting our basic purpose for existence, everyone benefits. Our basic purpose is this: to work for the welfare of the students, the advancement of education, and the improvement of instructional opportunities for all. It is for this reason that the continued existence of the Mid-Pacific Teachers Association is justified and necessary.

Be assured that all of us at Mid-Pacific respect you for your courage to speak out, and will support you in any way we can.

— Art Mercereau, President, Mic-Pacific Teachers Association