

Insights into Experiential Pedagogy, Volume 6, 1979

UNDERSTANDING DISPUTE RESOLUTION THROUGH EXPERIENTIAL LEARNING

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ABSTRACT

A traditional single-course offering in labor relations was divided into two separate courses, the first retaining the traditional format and the second changing completely to an experiential basis. The second course also expanded its scope to include broad exposure to dispute resolution. Student reaction to the new experiential course was almost uniformly positive, and compared favorably to the predecessor offering. This paper examines the content and results of this experiential course.

INTRODUCTION

Following a number of years of offering a single labor relations course at the University of Denver, the Management Department initiated in 1976 a two-course sequence in that field. This paper focuses on the experiential format employed in the second course - its content and its success.

It was the Departments belief in creating two courses that conceptual material could be meaningfully separated from later gaming, and that both courses would be significantly better received if this action was taken. Only the data related to the experiential (second) course and the 'predecessor course are reported here.

The possibility for bias is, of course, recognized. That is, because participation in the experiential class is restricted to those whose interest survives the first course, assessment might be presumed to be more positive. Nonetheless, the data are felt to be worthy of reporting, however modest our information is viewed in the aggregate.

In the 'new' sequence, the first course is redesigned to present the essentials of labor relations. Structural and definitive elements were collected from a variety of other offerings (including its predecessor) to make up this course. It is an elective for all students, although it is taken by most departmental majors.

The material is highly legalistic, offering exposure to the entire spectrum of labor-related legislation (N.L.R.A., Landrum-Griffin, Civil Rights Act Title VII, O.S.H.A., F.L.S.A., etc.). The course also examines major aspects of labor influence: the history, structure and behavior of unions, their political influence, international roles, and their place in America's social and economic development. An attempt is made to broadly treat the legal and behavioral aspects of unionism, but to exclude the economics of labor.

Like its single predecessor course, the format of this offering is traditional: lecture! discussion, with a minimal use of case analysis, and, when possible, film is utilized. It (or its graduate equivalent) is a prerequisite for the second course in the sequence, 'Collective Bargaining and Arbitration,' which is the subject of this paper.

COURSE PURPOSE/SIZE/STRUCTURE

The objectives of the new, second course have been, from the beginning: (1) to develop an awareness of union-management working relationships,- (2) to gain insight into dispute resolution techniques of three types; (3) to appreciate the value of professionalizing the function of labor relations; and (4) to develop universally applicable skills in interpersonal relations.

Enrollment is limited to twenty-four students, and is usually a mixture of about 2d undergraduates-to-graduates.

Approximately forty percent of the course is devoted to the collective bargaining process:

concept, strategy and practice. Following completion of this phase (detailed below) students participate in mediation exercises designed to demonstrate the value of third party intervention in dispute resolution. Twenty percent of the course is devoted to this phase. The remainder of the course focuses upon grievance mechanisms and the arbitration process, again using a wholly experiential approach.

EXPERIENTIAL ELEMENTS

The collective bargaining exercise employed in the course is one created by the author.¹ It consists of: approximately fifteen pages of text (related to the industry, firm, labor difficulties, etc.); ten pages of data; and an expiring "contract." The class is divided into three union and three management teams which proceed through a standard bargaining model.

Most preparation is accomplished outside of class to maximize use of in-class time for information exchange and face-to-face negotiations. The students are encouraged to rotate leadership roles within their own team. Each pair of parties establish their own ground rules with respect to

¹ Copies of the game are available upon request.

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the order of topics to be negotiated, the calling of caucuses, etc. However, a single 'strike deadline' is used for all groups.

Bargaining between the three sets of teams occurs simultaneously. Anytime within the last thirty minutes the parties may ask for a mediator (instructor), who has the authority to extend the strike deadline thirty additional minutes.

The notions of "winning" and 'losing' are deemphasized, and determination would be difficult anyway due to the different "demands" in each pair of teams. However, following completion of the exercise, an entire class period is spent in debriefing. Use of an "Assessment Form (see Appendix I) is an essential element in this process.

In the second phase of the course the class is taken through a series of 'intervention exercises, most of which are related to labor- management relations, but others of which are simply concerned with a variety of interpersonal conflict situations. In this phase care is taken to thoroughly rotate roles, including participation in the role of a neutral intervenor, and teams are not utilized.

Variables related to intervention itself are also continually modified to demonstrate critical differences in effectiveness between, for example, a mediator who enters a situation without foreknowledge of the facts, one who enters the dispute only at the point of crisis, one who is given coercive authority, etc.

Once again, the "Assessment Form" (see Appendix II) is a critical element in debriefing the exercises.

Phase three of the course concerns grievance resolution and arbitration. This phase is divided into two separate sections, the first of which consists of analyzing a lengthy series of grievance cases. Several of these are based upon the "contract" used in the collective bargaining game,² and others are selected from a text.³

Following these case analyses, many of them written, the class is once again divided into teams for the purpose of researching and presenting a grievance in arbitration.⁴ Depending upon the class size, each student normally has the opportunity to make one presentation as a union team member, one as management, and at least one as an 'outside observer.' The instructor acts as arbitrator, and the presentations are, therefore, done consecutively rather than simultaneously (as was the case with collective bargaining). Role rotation is again encouraged.

² These are available along with the exercise from the author.

³ Schoen, Sterling H. and Raymond L. Hilgert, *Cases in Collective Bargaining and Industrial Relations*, 3rd Edition (Homewood, Illinois: Richard D. Irwin, Inc., 1978).

⁴ Cases for this phase are sometimes taken from the author's files, and sometimes are those published by the U.S. Civil Service Commission.

This phase, too, is completed by utilizing an entire class period in debriefing (see Appendix III)

COURSE ASSESSMENT

The Department considers student reaction to be a key element in evaluating the success of this format, especially when compared with the more traditional approach to this subject matter used in the predecessor course. Over a period of two years (before and after the change) student reactions were solicited to a series of common questions regarding the two approaches. Each format was surveyed twice and the result combined into weighted averages. These reactions appear as Table 1.

TABLE 1
STUDENT EVALUATION*

Question	Traditional Format	Experiential Format
1. Given the nature of the course, how appropriate were the assignments?	4.39	4.71
2. How clear was the material as presented?	4.44	4.77
3. How well organized was the material?	4.42	4.60
4. What was the overall value of this course to you?	6.18	4.63

*weighted averages based upon a 5.0 maximum favorable possibility.

The results followed predictions in two respects and were surprising in two others. We expected to see higher responses to the experiential format on "appropriateness of assignments" and "overall value" because of earlier successes with experiential modes. The values received confirmed our shift in course approach.

However, because of the less structured nature of experiential classes, we expected to see a tradeoff between questions #1 and #4 on the one hand, and student reactions to "organization" and "clarity" on the other. That tradeoff simply did not occur. Indeed, students felt that under the experiential format the material was both clearer and better organized.

Two caveats are important here. Procedurally, the pattern of reactions might be attributable to a 'halo' effect in answering. More significant, however, is the fact that no attempt was made to measure learning via a common vehicle. It is impossible from the data collected to conclude that the experiential format imbued the student with greater knowledge. But apparently the student himself thinks so, and that by itself may be of some importance.

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ADDITIONAL DATA

The students in the experiential classes were also asked for their assessment of the course content itself, even though they lacked a standard of comparison. Specifically, the effort was to learn how students judged the quantity and quality of exercises to which they were exposed. These data were collected on a “zero sum” spectrum, and appear in Table 2.

TABLE 2
CONTENT OF THE EXPERIENTIAL COURSE*

	<u>Quantity</u>	<u>Quality</u>
1. Exposure to the collective bargaining process	.03	1.43
2. Exposure to collective bargaining principles	0.0	1.11
3. Exposure to mediation	-.23	1.06
4. Exposure to arbitration cases	.09	1.37
5. Exposure to arbitration exercises	.09	1.46
6. Lectures (there were very few)	-.09	1.26

*Based upon a “zero sum” Spectrum ranging from +2 (“overdone” or “Very high”) to -2 (“insufficient” or “very low”) “0” represents “just right” or “average.”

The data show that students found the bargaining exercise to be about right from a “quantity-of-exposure standpoint, although it rated higher on its “process’ benefits than on ‘principles.’ Mediation was the weakest area, viewed by the students as somewhat under-treated, and with only slightly better than average quality. “Exposure to arbitration” reflected much the same pattern as did collective bargaining. It is of some minor note that a few lectures which were given were perceived as somewhat inadequate, although generally better than average in terms of quality.

These data, even though very tentative, generally confirm the existing allocation of attention within the experiential course. This has enabled us to direct our attention away from major course restructuring (for the time being) , toward updating and upgrading the quality of experiences within the course itself.

SUMMARY

Our data support the conclusion that where two sequential courses can be offered in labor relations, the second course can be exclusively concerned with broader aspects of dispute resolution, and can be quite meaningfully offered on a wholly experiential basis; and that when this is accomplished, student response to that course will be more highly positive than under a traditional format.

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APPENDIX I

TAKE-HOME ASSESSMENT BARGAINING EXERCISE

1. In this particular exercise, what did you learn about the strategies you chose? What worked, or didn’t work, and Why?
2. How did you personally react to participation in this exercise? Did you learn anything important about yourself?
3. Relative to OTHER methods of establishing working conditions (like management discretion, government intervention, etc.), how would you JUDGE collective bargaining in terms of equity to the parties? Of efficiency? Of social desirability?
4. As you’ve learned, collective bargaining is a very elaborate game. Does the “end” (the contract) justify the process? Is the agreement WORTH all that effort? Why or why not?

APPENDIX II TAKE-HOME ASSESSMENT MEDIATION EXERCISES

1. What did these exercises teach you about the value of third party intervention in dispute resolution? I.e., what are the variables that seem to impact its usefulness (e.g., skill, power, timing, foreknowledge, nature of the dispute, etc.)?
2. What happened to your own feelings as you performed these exercises? As a disputant, how did the entrance of a mediator change your feelings? Behavior? As a mediator, how did you feel: confident? helpless? confused? important? uncomfortable? etc.

APPENDIX III

TAKE-HOME ASSESSMENT ARBITRATION CASES

1. Arbitration is a quasi-judicial process to resolve disputes, in our case the interpretation of a labor-management agreement. Looking back, how would you judge the process in terms of equity to the parties? Of cost effectiveness? Of social desirability?
2. How did you feel about yourself in these cases, especially as compared with how you performed/felt in the bargaining exercise?
3. Why do you suppose arbitration has had so great an acceptance in grievance disputes and so little acceptance in negotiating (interest) disputes?
4. In terms of your own case presentation, what did you learn about the role of contract language? Of past practice? Of how legalistic employee relations have become?