

# Nebraska's Superintendency Pay Transparency Act: Considerations for Rural Midwest Policymakers

**Kathryn R. Blaha**

*South Dakota Department of Education*

**David De Jong**

*Dakota State University*

*Salary differences between male and female superintendents start at the beginning of their careers and continue throughout employment (Biasi & Sarsons, 2022; Blau & Kahn, 2017). This practice draws attention to the lack of gender equity, as evidenced by the unequal distribution of power, wealth, and benefits between males and females employed in this profession (Parmer, 2021). Salary negotiations provide an opportunity to improve resources, tasks, and monetary compensation (Säve-Söderbergh, 2019). While men readily self-promote and negotiate, women are less likely to engage in these practices (Northouse, 2019). Literature suggests five topics attributable to women's performance during negotiations: gender differences, beliefs, relationships, norms and stereotypes, and other reasons (Kugler et al., 2018; Odell, 2020; Reif et al., 2019; Reyes et al., 2021; Seligman et al., 2018; Stevens & Whelan, 2019). Addressing strategies associated with gender differences and their impact on negotiations is beyond the scope of this brief. However, it is appropriate to examine salary transparency as a potential solution to the issue of pay disparity. Nebraska's Superintendent Pay Transparency Act (NSPTA) establishes stipulations and expectations regarding the publication of superintendent contracts (Gessford, 2014), providing visibility into compensation practices for the profession. Other Midwest states do not have such a robust policy.*

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Salary differences of females compared to their male counterparts start at the beginning of their careers and continue to grow over their years of employment (Biasi & Sarsons, 2022; Blau & Kahn, 2017). According to Kugler et al. (2018) and their meta-analysis of the literature associated with gender differences in negotiations, the impact gender has on negotiations highlights the inequality of resource distribution while also reinforcing the gender wage gap. In a 2017 Pew Research survey, 42% of working women respondents experienced earnings discrimination based on gender (Barroso & Brown, 2021, para. 6). In addition, the U. S. Census Bureau's 2019 report, *Income and Poverty in the United States*, indicated that females earned 82.3 cents for every \$1.00 made by males (Semega et al., 2020, p. 10, Figure 5).

This discrepancy is especially noticeable at the higher end of the salary scale (Albrecht et al., 2015; Blau & Kahn, 2017). The 2020-2021 American Association of School Administrators (AASA) nationwide survey gathered data, including salaries for various positions, gender, and school enrollment size. Results of this national survey indicated that the base salaries of superintendents reflect the discrepancy in the earning power between males and females. Female superintendents reported their median salary as \$127,961 with ranges between \$65,000 and \$223,000 compared to the male superintendents' median salary of \$157,000, with ranges between \$102,000 and \$345,000 (AASA, 2021, p. 26, Table 2.2).

The issue is further raised by the International Labour Organization (2020) when considering the gender pay gap as a quantifiable measure of disparity between women and men. Parmer (2021) highlights the concern regarding the gender pay gap as equality between the genders only exists when power, wealth, and benefits are equally distributed. Furthermore, gender inequality infringes upon freedoms and rights, leading to discrimination (Parmer, 2021).

Through negotiation, candidates bargain for access to opportunities and resources (Northouse, 2019). Literature reviews indicate that women engage in negotiation at a much lower rate than men (Biasi & Sarsons, 2022; Fischer & Bajaj, 2017; Kugler et al., 2018). After carefully reviewing the literature, Mozahem et al. (2021) concluded that women who negotiate do not have the confidence men have and set lower goals for their negotiations. Ultimately, being less assertive or electing to forego negotiating leads females to risk earning lower incomes (Kray et al., 2012).

While Nebraska's Superintendent Pay Transparency Act dictates stipulations and expectations regarding publishing superintendent contracts (Gessford, 2014), some Midwest states do not have such a robust policy. Access to such contracts could allow for data analysis and the potential use of such data to become talking points for females during negotiations.

### **Approach and Results**

The negotiation process is one of the most significant conversations people have because the outcome impacts the entirety of an individual's life, family, and financial status (Rua et al., 2021). Negotiations associated with salary provide an opportunity to improve resources, tasks, and monetary compensation (Säve-Söderbergh, 2019). By utilizing negotiations, one may profit through improvements in salaries, benefits, and careers. Conversely, not taking advantage of a negotiation opportunity can be detrimental (Kugler et al., 2018). Northouse (2019) explains that while men readily self-promote and negotiate, women are less likely to do so. Literature suggests

five topics attributable to women's performance during negotiations (Kugler et al., 2018; Odell, 2020; Reif et al., 2019; Reyes et al., 2021; Seligman et al., 2018; Stevens & Whelan, 2019).

### **Topic 1: Gender Differences**

The female gender role does not fit the negotiator role, typically aligned with the male gender role when viewing this phenomenon through social role theory (Eagly & Wood, 2013; Stuhlmacher & Linnabery, 2013). This discrepancy brings about the challenge that women who participate in the action of negotiating are behaving outside of their female gender role, thereby opposing their gender-based identity and running the risk of social backlash (Kugler et al., 2018; Schneider, 2018). Based on the Kugler et al. (2018) meta-analysis studying gender differences in negotiations, women question their effectiveness in negotiations because their self-perception does not fit the expectations of an effective negotiator, as qualities ascribed to males are often associated with effective negotiations. In contrast, the qualities of females run counter to effective negotiation skills (Kugler et al., 2018). Women tend to cooperate more and assert themselves less than men in the negotiation process (Faes et al., 2010).

Furthermore, women engage in negotiations at a much lower rate than men (Biasi & Sarsons, 2022; Kugler et al., 2018). The global staffing firm of Robert Half found that professional women have increased their involvement in negotiations from 34 percent in 2017 to 45 percent in 2018. However, these numbers remain low compared to their male counterparts, who negotiated at a rate of 46 percent in 2017 and 68 percent in 2018 (Gurchiek, 2019, para. 3).

While women do not have the opportunity to negotiate at the same level as their male counterparts, women are just as likely as men to negotiate (Leibbrandt & List, 2015; Stevens & Whelan, 2019). Studies found that women who negotiate are less aggressive and less effective than their male counterparts (Coghlan, 2018; Mazei et al., 2015). Past research suggests women ask for thirty percent less salary than their male counterparts (Schneider, 2018, p. 698). An Australian-based study using data from a workplace survey distributed in 2013-2014 found women were not as successful at receiving what they asked for (Artz et al., 2018).

### **Topic 2: Beliefs**

Females have decreased beliefs in their competency and confidence regarding negotiations which complicates the negotiation process (Reif et al., 2019). Women often do not recognize their worth and undervalue themselves because they are less aware of the market value of their skills (Schneider, 2018). Therefore, women may have lower pay expectations than their male counterparts (Mazei et al., 2015). These lower expectations could lead women to believe that the offer provided is all they deserve (Fischer & Bajaj, 2017). Also, drawing from experiences in negotiations in the business world and investment banking, women attribute employment offers as an act of luck and not a reflection on their abilities which inhibits them from asking for anything for fear of jeopardizing the offer (Miller & Miller, 2002). These beliefs support the suggestion that women do not negotiate as strongly as men and, as a result, accept lower outcomes (Mazei et al., 2015).

Women also believe opportunities and salary increases will come through good behavior, hard work, and following the rules (Fischer & Bajaj, 2017). Women, therefore, wait for

recognition instead of asking (Babcock & Laschever, 2003). By taking an approach that allows others to make the monetary decisions associated with their work, women give up their control, leading to a softer negotiation approach (Schneider, 2018).

### **Topic 3: Relationships**

Women's value and fear of harming relationships also impact the decision to enter negotiations (Odell, 2020; Reyes et al., 2021). Qualitative research on relationships in the supply chain and negotiations notes relationships are meaningful as they impact future interactions (Thomas et al., 2015). Women fear a negative perception brought about through negotiations, and they are hesitant to jeopardize relationships by asking in the process of negotiations (Fischer & Bajaj, 2017). Schneider (2018) reviewed literature relevant to females and negotiation to address perceptions and noted that evaluators, regardless of their gender, viewed women who negotiated as unlikeable and aggressive. In addition, colleagues preferred not to work with women who have negotiated (Kennedy & Kray, 2015; Schneider, 2018).

### **Topic 4: Norms and Stereotypes**

Drawing from gender and negotiation literature, a narrative review by Seligman et al. (2018) indicates women face stereotyping regarding behaviors and regarding how others believe they should behave. As a result, when women violate socially accepted gender roles and actively negotiate, they are likely to face social backlash as they violate behavioral stereotypes (Seligman et al., 2018; Williams & Tiedens, 2016).

Furthermore, gender role stereotypes negatively affected women's relationships and economic outcomes (Rua et al., 2021). Females are more frequently punished when they negotiate for salary, considerations of hire-ability, promotions, and professional relationships (Bowles & Babcock, 2013). Lower salary requests and women receiving less than their requests supported the relationship of gender stereotypes in negotiations (Bowles, 2013; Säv-Söderbergh, 2019). As it stands then, women are at a disadvantage as there is a cost for both compliance with and breach of gender norms (Toosi et al., 2019). Within the pay-setting employer's offer, gender bias and discrimination play a role (Coghlan, 2018), with men having an advantage over women concerning negotiating power (Card et al., 2016).

### **Topic 5: Other Reasons**

Previous negotiating experiences could affect negotiation perceptions (Stevens & Whelan, 2019). Women may not know how to perform negotiations, may view negotiations as something to avoid, or may not recognize some of the aspects that are up for negotiation (Fischer & Bajaj, 2017). There are structural factors like "low initial offers and the availability of alternative offers" that are impactful as well (Stevens & Whelan, 2019, p. 143).

## **Conclusions**

Although the Equal Pay Act was signed into law in 1963, the Institute for Women’s Policy Research suggests equal pay between the two biological genders will not be equal until 2059 (Hegewisch & Mariano, 2020). When examining the gender pay gap, 10-15% of it can be attributed to differences in power associated with gender (Card et al., 2016; S ave-Soderbergh, 2019). In 2020, women’s earning power was 84% of their male counterparts (Barroso & Brown, 2021). To recoup the difference, women need to work 42 additional days to earn the same salary as men (Barroso & Brown, 2021).

The gender wage gap is in part ascribed to females’ behavior to negotiate less regularly and less effectively than their male counterparts (Biasi & Sarsons, 2022; Kugler et al., 2018). Gender differences are influential in negotiation behaviors and are also associated with the wage gap (Catalyst, 2021). When acknowledging females’ careers over their lifetimes, the ripple effect associated with the outcomes of negotiations cannot be overlooked (Pardal et al., 2020). Evelyn Murphy, economist and president of The Wage Project, estimates a female professional school graduate could lose earnings of up to two million dollars over forty-seven years of full-time work (National, 2020). Recognizing the impact gender differences have on negotiations highlights the inequitable allocation of funds between males and females while reinforcing the gender wage gap (Kugler et al., 2018).

While addressing strategies associated with differences ascribed to gender and its impact on negotiation is beyond the scope of this brief, it is appropriate to examine salary transparency as a potential solution to the disparity in pay between men and women. Encouraging salary transparency would provide women access to information that allows comparison to colleagues’ earnings, which may spark them to negotiate actively for themselves (Coghlan, 2018). Klein et al. (2021) suggest increased attention is needed when defining pay by “breaking apart total pay packages” (p. 748). Nebraska’s Superintendent Pay Transparency Act (NSPTA) provides access to superintendents’ earnings and breaks compensation packages apart.

For some of Nebraska’s female superintendents, the NSPTA has provided access to data, assisting them in their negotiations. For example, in a qualitative study exploring female superintendents’ negotiation experiences, some women compared their first negotiation upon entering the superintendency to subsequent negotiations. In connection to their initial negotiation, these women expressed an unknown element. They felt they were taken advantage of as they did not have access to data to determine if the contract offered was financially fair (Blaha, 2022). In Nebraska, superintendents with experience and access to such data reported relying on it heavily. Such access allowed negotiations to be data-driven with the expectation of reaching an agreement of fair compensation drawn from market value in connection to the work done (Blaha, 2022).

In contrast, female South Dakota superintendents described an overall different experience due to limited transparent and comparable data access. In the same qualitative study on the female superintendents’ negotiation experience, some South Dakota women referenced data and often gathered their own (Blaha, 2022). Other female superintendents noted the data available fell short as reference documents reported salary but not benefits, so they could not get a clear picture for comparison (Blaha, 2022).

Systematic changes are needed. Clear information needs to be available to eliminate the vagueness that disadvantages women – as, under these conditions, females often end up with lower incomes than their male counterparts (Ammerman & Groysberg, 2021). While pay

transparency will not solve all issues associated with gender wage disparity, the NSPTA provides Nebraska's female superintendents with data they can actively reference, helping them navigate the negotiation process with a greater sense of fairness (Blaha, 2022). Ultimately, attention needs to be drawn to the systems that slow women's progress because as long as women face bias and discrimination based on their gender, disparities will continue (Fernandez et al., 2021).

### **Implications and Recommendations**

A transparency policy such as Nebraska's comes with risks and benefits. Research suggests that employers fear reputational damage, increased costs, and increased employee turnover (Zenger, 2016). In addition, studies suggest transparency could bring dissatisfaction, a reduction in trust, increased conflict, lower morale amongst staff, and salary compression (Stofberg et al., 2022). For some employees, it is difficult to accurately evaluate performance which will impact perceptions of fairness associated with transparency in salary (Stofberg et al., 2022).

Despite such risks, research suggests tangible benefits. Pay transparency provides access to more information, allowing discernment of associated fairness (Zenger, 2019). Furthermore, transparency can help reduce pay inequality, especially regarding gender (Castilla, 2015; Cullen & Pakzad-Hurson, 2017; Kim, 2015). Findings by Kim (2015) are especially encouraging as transparency benefitted college-educated women. By exposing pay inequalities, remediation efforts can occur, thus helping affected employees (Smit & Montag-Smit, 2019). In addition, transparency can foster employees' perceptions of fairness and justice (Stofberg et al., 2022). Finally, Smit and Montag-Smit (2019) suggest that transparency associated with pay "provides employees powerful knowledge" (p. 555).

It is noteworthy that many of the studies referenced in this section are business-based. Direct comparisons to education may be difficult as there are potentially several employees within a specific job title in a company. Conversely, each school district is a unique entity that employs only one superintendent. Educational systems must publicize pay and different states have different educational organizations responsible for gathering statewide salary information for members' use. Some suggest this data is incomplete as it reports salary, not complete compensation packages, thus limiting effective comparisons and usefulness (Blaha, 2022).

For rural Midwest states to take pay transparency to the next level, lawmakers need to follow the advice of Klein et al. (2021) and undertake a more detailed pay review. This is what the NSPTA has done. While the act has not solved all gender pay gap problems, it offers increased visibility into compensation practices. A review of the NSPTA with consideration for application in rural Midwest states could be a step toward systemic change addressing the disparity associated with in-state pay.

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