Who's University? Our University! The Case for GA Unionization

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"Whose University? Our University!":
The Case for GA Unions
by Carl Levine | ns 65-66

The idealized version of the university – as a community of scholars enjoying a free space for intellectual discourse, insulated from the pressures of the outside world – if it ever existed, exists no more. Higher education in this country is a colossal industry, increasingly ruled by the imperatives of the marketplace. Academic freedom is threatened, not by graduate student assistants (GAs) demanding input into decisions that affect their working lives, but by administrators seeking unilateral control of decision-making.

The continued corporatization of higher education has led to a greater centralization of control in the hands of university administrators and boards of directors whose members are generally drawn from the top ranks of corporate executives. With this centralization has come a corresponding decrease in faculty governance and academic freedom. This has been facilitated by a growing reliance on contingent academic labor, including GAs, adjuncts, lecturers and other non-tenure track faculty. The decrease in tenured positions has not only allowed universities to generate revenues with smaller outlays for salaries and benefits; it has eliminated a key prerequisite for genuine academic freedom - job security. Without the job security provided by tenure, faculty members who dare to question the views of academic administrators put their jobs at risk.

To understand what is in stake in the bitter labor dispute at New York University (NYU), it is necessary to understand the changing economic context within the academy. The present strike by GAs at NYU is not so much about the need of GAs to receive a living wage for the critical services they provide to the university, though this is certainly a central reason why the majority of NYU GAs voted for union representation. It is about the GAs' demand that they be treated as valued members of the university community whose views, as articulated by their chosen representatives, are taken into account in setting the university's priorities. In an academy increasingly characterized by the dehumanization of the marketplace, the GAs are demanding collegiality and respect.

Historically, GAs have labored for the universities which they attend as students under conditions approaching peonage. In return for the extensive services they provide, services which are critical to the day-to-day functioning of their universities, they have been given meager cash stipends, inadequate to support themselves or their families.
Despite the central role GAs play in the functioning of the academy, they often must rely on loans or other sources of outside funding in order to survive while they complete their graduate education. This servitude to their schools has been justified as an apprenticeship that prepares them for their eventual entry into the academy as the next generation of the professorial elite. While they have always been exploited by their universities, generating more money in tuition (or research) revenue than they were paid in salary, there was a time when most GAs could expect, upon graduation, to find tenure track positions. This is no longer the case. Faced with the fact that most of them will never attain such positions, GAs have come to understand that they cannot afford to wait for adequate wages, respect, and some degree of control over their working lives. The resulting surge in GA-organizing, coming at a time when labor is under heightened attack, has been met with aggressive resistance by the universities at which they work.

Since President Bush assumed office in 2001, private employers, supported by the federal government, have launched an all-out assault on attempts by their employees to organize. Even before Bush was elected, labor law in this country provided only minimal protections to workers and unions, and employers routinely chose to violate the minimal protections which did exist. For example, it has been common practice for managers to make illegal threats and to fire union supporters, knowing that by doing so they could defeat union-organizing drives and, even if ultimately found guilty years later, pay relatively small fines. These fines, seen as a cost of doing business, have been viewed as less costly than paying union wages.

But under the current regime in Washington, things have gone from bad to worse. The government is now actively aiding and abetting corporate managers in their campaigns to defeat the organizing efforts of their employees. One of the main tools that has been used in this campaign to eviscerate the union movement is the National Labor Relations Board (NLRB). The NLRB, effectively the nation's most powerful arbiter of labor matters, is now dominated by Bush appointees who don't disguise their antipathy for the labor movement. Originally conceived as a body of experts with special knowledge in the field of labor relations, the NLRB has the job of interpreting and applying the Labor-Management Relations Act, the federal statute that governs relations between unions and most private sector employers. It supervises union elections, adjudicates disputes involving these elections, and deals with other representation issues, unfair labor practice charges, and related matters. While most of the NLRB's decisions can be appealed in federal court, the courts (themselves increasingly dominated by conservative appointees) are supposed to — and do — show considerable deference to the "expert" decisions of the NLRB.

In the last five years the NLRB has stripped millions of workers, including GAs, of the right to organize under the protection of federal law. (In addition to GAs, the NLRB has effectively denied union rights to large numbers of disabled workers, nurses, workers employed through temporary agencies, and others.) Further, the NLRB has seized on virtually every opportunity to interpret existing laws in ways that weaken protections for
workers. The NLRB is *supposed* to be a place where working people can go to vindicate their rights when they are violated. But things have gotten so bad that unions are now often reluctant to bring legitimate claims of labor-law violations, for fear that the NLRB will view these cases as opportunities to gut the few remaining protections.

It is not surprising that NYU, like other corporations, is taking advantage of the current political climate to try to destroy the union that represents its graduate workforce. Like most other corporations, NYU has shown that it will use any means at its disposal to prevent a union victory. Thus, when the GAs filed a petition for a union election in 1999, NYU spent millions of dollars to hire high-priced lawyers and consultants to advise them on how to defeat the union. In an effort to delay the unionization vote, NYU launched legal challenges, claiming that its GAs were not employees, despite the fact that they teach half of all undergraduate classes. Then, when the union was victorious, NYU challenged the validity of that election in order to delay certification and its legal obligation to bargain. Like other corporations, NYU has also used scare tactics, such as telling GAs that unionization would undermine their relationships with their professors and decrease the value of their NYU education. These challenges were designed to demoralize the GAs, deplete the union’s coffers, and avoid negotiating with the union for as long as possible.

Perhaps most audaciously, NYU claimed that the union posed a threat to academic freedom - a claim that it now asserts again to justify its withdrawal of recognition from the union. In fact, the unionization of academic workers, including GAs, helps to protect what is left of academic freedom from the unilateralism of university administrators. What makes NYU’s claim so outrageous, however, is the fact that the university itself has had no qualms about violating academic freedom in pursuit of its goal of defeating the union. The case of Joel Westheimer provides one striking example of the depths to which NYU’s administration is willing to descend in its continuing efforts to defeat the union.

In 1999, after NYU challenged the right of GAs to vote on whether to unionize, the NLRB held 55 days of hearings, involving scores of witnesses for each side. Professor Westheimer was the only non-tenured faculty member brave enough to testify on behalf of the union. One of the most prominent professors of education in the nation, winner of a prestigious university-wide award for excellence in scholarship, and author of the then-recently published and highly acclaimed book, *Among School Teachers: Community, Autonomy, and Ideology in Teachers’ Work*, Professor Westheimer believed that his prominence would probably protect him from retaliation. But shortly after his testimony for the union, the axe fell. Despite the unanimous recommendations of his tenure committee and his department, he was denied tenure. After investigating, the local office of the NLRB eventually filed a complaint against NYU alleging that Westheimer was denied tenure in retaliation for his testimony. Westheimer, no longer interested in returning to NYU, negotiated a settlement with the university. But the message was clear: Support the union, and face reprisal.
In its attempts to break the current GA strike, NYU has again shown no hesitation about disregarding academic freedom. Not only has NYU denied financial support to GAs during the period when they are on strike; it has threatened to blacklist the strikers, to prevent them from working in future semesters, whether or not they are the most qualified individuals for open positions.

Yet, astonishingly, the NYU administration now claims that it is the GA union that threatens academic freedom. In support of this claim, it cites grievances filed by the union over matters such as who would be assigned to teach particular classes. NYU's assertion that the union jeopardized academic freedom is just as groundless as its claim that NYU is defending it. The union never challenged NYU's right to make class assignments per se, but, rather, objected to NYU reclassifying work traditionally done by GAs as "adjunct" work, in order to slash salaries and erode the union's bargaining unit. In some cases, NYU hired the same graduate students to perform the same work that they had previously performed, but reclassified them as "adjuncts" so that they would not receive union wages and benefits.

NYU has used its preposterous claim of academic interference by the union to justify its posturing demand that the GA union forfeit a meaningful grievance procedure. Such procedures, which include recourse to a neutral decision-maker, are included in virtually every other collective bargaining agreement in the country. NYU knew that the union couldn't accede to this demand, since without recourse to a neutral arbitrator it would be unable to enforce its agreement with the university.

It is not surprising that NYU's administration wants to make decisions without having to bargain with a union. But no one should be fooled by the administration's specious claims that its opposition is motivated by a desire to protect the university's academic freedom from the threat posed by the union. Rather, NYU's effort to break the GA union, like its efforts to erode tenure rights and faculty governance generally, are part of a national effort by academic administrators to concentrate decision-making authority in their own hands.

The GAs at NYU, without whom the university could not function, are fighting for a living wage and for a voice on issues concerning their working lives. But more than wages and a meaningful grievance procedure are at stake in the GA strike. If there is to be a space for open intellectual discourse at American universities, it will be because academic workers at all levels, and the students they teach, unite to demand, create, and protect such space.

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