



When Unfair Labor Relations Reify, It's Time to Strike

Posted on September 25, 2016 by Georgette Fleischer

What an irony it is that institutions of higher learning have become some of the worst exploiters of workers in America. Those of us who work in higher education have a responsibility to fight this terrible trend with everything we've got.

Nationally, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) has welcomed academic workers under its umbrella, alongside performing artists, writers, and other white collar workers. Since 1916 the American Federation of Teachers (AFT AFL-CIO) has represented contingent and tenured faculty, including those at Long Island University, whose Brooklyn campus erupted recently over a lockout prompted by a contract dispute. Contingent faculty in the State University of New York (SUNY) system are part of the AFT-affiliated United University Professions (UUP). Since 1972, other public sector contingent faculty, in the City University of New York (CUNY) system, are organized under the AFT-affiliated Professional Staff Congress (PSC-CUNY), which aligns itself with the American Association of University Professors (AAUP), the standard-bearer for academic freedom and shared governance.

Organizing faculty in the private sector has been more difficult. Rather than being covered by the [Taylor law](#), collective bargaining at private colleges and universities has to be hammered out one legal case at a time. Under a Republican, Nixon-appointed dominated Supreme Court, *NLRB v. Yeshiva University*, 444 U.S. 672 (1980) erected a high hurdle by claiming that faculty at private institutions were ineligible for collective bargaining because of their managerial functions, interpreted broadly. Under President Barack Obama, the National Labor Relations Board no less than the Supreme Court has become more progressive and labor-friendly. By narrowing substantially the managerial carve-out, *Pacific Lutheran Univ. & SEIU, Local 925*, 361 N.L.R.B. No. 157 (Dec. 16, 2014) paved the way for organizing faculty, including tenured faculty, at private colleges and universities. But even before that, adjunct faculty at private institutions had begun organizing. In 2002, almost 2700 adjunct faculty at [New York University](#) (NYU) organized as UAW Local 7902, [Adjuncts Come Together](#) (ACT). Shortly thereafter, in 2003, part-time faculty at the New School for Social Research joined Local 7902. Since then, tens of thousands of contingent faculty around the country [have been organizing](#), including at Georgetown University, Northeastern University, Washington University in St. Louis, Tufts University, the University of Chicago, Duke University, and Boston University.

Now a breaking NLRB case opens the door to graduate student employees. The Trustees of Columbia University in the City of New York and Graduate Workers of Columbia-GWC, UAW (Case 02-RC-143012 [August 23, 2016]) overturns the George W. Bush-era *Brown University and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW AFL-CIO, Petitioner* (Case 1-RC-21368 [July 13, 2004]) by ruling that graduate student workers' status as graduate students does not infringe on their right to collectively bargain. GWC-UAW follows graduate workers at NYU (Graduate Student Organizing Committee [GSOC-UAW Local 2110]), who in 2000 won a landmark decision at the NLRB which established that graduate student workers at private universities have collective bargaining rights that their counterparts at public institutions had enjoyed for decades. However, the 2004 *Brown* decision led NYU to withdraw its recognition of GSOC in 2005 after their union contract expired. It took eight years of campaigning, including the filing of a petition to the Obama NLRB in 2010, to win back those rights: in 2013 NYU agreed to a private election conducted by the American Arbitration Association, at which graduate workers [voted 98% to unionize](#).

That contingent faculty at private colleges and universities are late to come to the organized labor table accounts for the unlikely names of our unions: the Service Employees International Union (SEIU), and even more improbably, the United Automobile, Aerospace and Agricultural Implement Workers (UAW). As manufacturing has flown, academic work

has industrialized; higher education is another corporate endeavor.

At Barnard College of Columbia University where I have taught for the past seventeen years, and where we won recognition as UAW Local 2110 on October 2, 2015 with 91.2% of the votes in favor of the union, our current president since 2008, [Debora Spar](#), comes from Harvard Business School, sits on the Board of Goldman Sachs, and was recently made a trustee of the Howard Hughes Medical Institute. I felt Spar's arrival first when my 2% cost-of-living increase immediately ceased; for me, that was a deep cut. The gates of the college were branded; then the entryway to the college was [branded](#). The constitution of the [Board of Trustees](#) seems to have changed: of those from the financial industry, [more come from venture capital and hedge funds](#). The library where we used to spend quiet hours studying [has been torn down](#) in order to make way for a \$150-million Teaching and Learning Center. In the midst of blasting demolition sounds, Barnard's signature magnolia tree died. A new \$400-million Bold (rhymes with gold) Standard Capital Campaign launched this Spring, accompanied by an increasingly polished set of commercials linked to the Barnard website. At the same time, contingent faculty live without health insurance or cling to Medicaid, while Barnard's administration through Jackson Lewis PC (google "union busting law firm" and find the first hit), refuses to so much as discuss including us in health insurance policies already in place for its non-contingent faculty, its administrators, its support staff. Do we really deserve to be treated like the lowest of the low?



UAW Region 9A Leadership Conference in Hyannis, MA, August 28-September 1, 2016, Discussion Panel on Organizing: pictured from right: Georgette Fleischer, Barnard Contingent Faculty-UAW Local 2110; Ted Feng, UAW Region 9A Assistant Director; Jack Nicoludis, Harvard Graduate Students Union-UAW; Brenda Choy, NYU Tandon School-ACT UAW Local 7902; Todd

Rouhe, BCF-UAW Local 2110—photo
credit, Karen Greenberg

More administrators and public relations and fund-raising experts are hired, while senior tenure-track faculty accept attractive retirement packages and the hiring lines of junior tenure-track faculty who are not offered tenure close silently behind them. Yet someone has to teach the courses. And this is where contingent faculty come in, and then the contingent faculty are replaced, with new contingent faculty. We are the faculty majority at Barnard, and the majority of us are women: many of us are alumnae. This year, the year after [we won our right to form a union](#), a frustrating year during which we have struggled for but not achieved a fair first contract, approximately half the contingent faculty is new. The challenge this poses to our campaign is obvious, so it is hard to imagine that this rapid turnover was not by design. By design the administration put off our first bargaining session for three and a half months; by design weeks into the Fall semester it declines to provide a list of our new members as required by law; by design those of us who have been active in union organizing face non-reappointment, reduction of course load, demotion, or good old fashioned hostile treatment.

Contingent faculty are overworked and undercompensated. Unless we have income from families or well-off spouses—reliance on these outside sources deprofessionalizes our profession—we cannot afford rent, let alone a home; we cannot afford a family; we are priced out of health insurance as Obamacare premiums, in New York State at least, rise higher and finally out of reach; we are buried under mountains of student loan debt. Meanwhile our students' tuitions rise higher and higher. How sad it is to have a former First Year student come to ask for a letter of recommendation to transfer because her family can no longer afford her continuation at Barnard.

Corporate does as corporate is or [it gets the pink slip](#). Contingent faculty are not only overworked, they are harried by pressure to grade-inflate, to tread lightly on academic dishonesty, and to flatter students instead of cultivate their intellectual rigor. Despite the [growing body of research that urges its lack of wisdom](#), we are driven to teach to the evaluation.

Commodification = yelpification. Since capital's aim is to produce surplus value, student evaluations become the means by which managers measure contingent faculty's effectiveness at commodifying their teaching. (We speak of students "shopping" for classes, often in search of easy As.) Teaching is measured by its effectiveness not in learning outcomes, but rather in market-effectiveness. The institution's faculty must satisfy customers who spend a fortune on their education, and that satisfaction cannot be delayed

in the form of long-range results, but rather must be immediate and constant, soothing, pleasurable, ego-affirming. Hence we teach to the student evaluation.

What happened to the Enlightenment principles upon which colleges and universities were presumably founded? Eclipsed, by corporate interests. But hopefully not forever. We must not let them be.

Tuesday, September 27th from 12:00 till 2:00 in the Oval of the Diana Center, we commemorate the 20th anniversary of UAW Local 2110's successful strike by clerical workers. It took a long time, but eventually Barnard had to guarantee these workers continuation of their health insurance benefits. In addition to Local 2110 at Barnard, we will be joined by support staff at Columbia, also protected by Local 2110, by Graduate Workers of Columbia (GWC-UAW) fresh off their stunning victory before the NLRB, and other New York City UAW members from Locals 2110 and 7902. Student-Worker Solidarity will join us, as will some of the hundreds of Barnard alumnae who have flown to our defense in an on-line petition. Will you join us? Spread the word.

Keep the faith. Fight the fight. Stay the course.
In solidarity.

Author



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