

Should Graduate Students at Harvard Form a Union with the United Auto Workers?

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Highlights:

- Because of union dues, it is very possible that Harvard graduate students will end up getting effective pay increase of somewhere between 0.96% and 1.66% rather than the full 3.1% that students have been receiving for the past few years.
- Based on the experience at NYU (currently the only private university that has a graduate student union in the United States), it is unclear whether the union will be able to win any greater benefits for students.
- Not all graduate students have to join the union if the HGSU-UAW is recognized by Harvard. For example, the following departments and groups of workers are not covered by the collective agreement between the graduate student union and the administration at NYU: Graders/Tutors; Graduate assistants at the School of Medicine; Candidates for the Master of Business Administration degree at Stern; Research assistants at Polytechnic Institute; Research assistants in the Biology, Chemistry, Neural Science, Physics, Mathematics, Computer Science and GSAS Psychology departments; Guards and supervisors as defined in the National Labor Relations Act; and Graduate employee adjuncts enrolled in Ph.D. programs beyond the 7th year.
- The HGSU-UAW currently does not have the democratic infrastructure necessary to realize a truly democratic union. For instance, the HGSU-UAW does not have a formal constitution/by-laws governing itself that is sufficiently broad in scope and specific in detail to guide its members and leaders both before and after the union is recognized.
- As citizens of the University community, graduate students should do what is best not only for themselves but for the University as a whole. Will forming a student union benefit the University community as a whole?

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1 Introduction

Recently, a group of graduate students known as the Harvard Graduate Student Union (HGSU) launched an authorization card campaign with the goal of unionizing Harvard graduate students by affiliating with the United Auto Workers Union (UAW). By signing the UAW authorization card, a graduate student authorizes the UAW to represent him or her for the purpose of collective bargaining when a local union is recognized by the University. The HGSU has set an ambitious target of acquiring signed cards from over 60% of students who would qualify to be part of the bargaining unit and filing a representation petition with the National Labor Relations Board (NLRB) by the end of this semester (Fall 2015). The HGSU-UAW has been waging a fast and aggressive campaign to achieve their goals.

The organizers of the HGSU-UAW support a worthy cause of improving the lives of all graduate students at Harvard and should be praised for their efforts. However, I am afraid that the HGSU-UAW is too narrowly focused on growing in membership and negotiating a contract with the University. In particular, it seems that the HGSU-UAW does not prioritize providing students with a fair opportunity to make an informed, independent decision on whether to support the student unionization or not based on accurate information and well-reasoned arguments. I believe there are still many unanswered questions and unvalidated assumptions about the proposed student union. This may put the Harvard graduate student community at risk of building an institution that does more harm than good. To illustrate this point, in this article I will use the Frequently Asked Questions (FAQ) available on the HGSU-UAW website and discuss various items written therein.

I am looking for other graduate students who would join in my effort to understand questions and assumptions surrounding the student unionization, some of which are partially explored below. My goal is to provide the graduate student community with accurate information about how the unionization will affect individual students and the University as a whole and to engage a broader perspective by sharing well-reasoned positions of various stakeholders. Together we will conduct research and interviews necessary to understand many complex issues regarding the student unionization. Afterwards, we will communicate our findings to the rest of the community, for example, by publishing a website that contains useful and balanced information.

Please e-mail me at **HarvardGradUnionConversation@gmail.com** if you would like to join in this endeavor or if you have any questions or suggestions.

2 Disclaimer and Overview

2.1 Disclaimer

The comments and questions contained in this article are based on my limited understanding of the complex issues surrounding the proposed graduate student unionization. As a busy graduate student, I have limited time and energy for reading, researching, and considering carefully every issue concerning the unionization. Therefore, what follows should not be interpreted as claims for truth but as healthy skepticism about the proposed significant change in the University community.

2.2 Overview

At the heart of this inquiry are three questions:

1. Will the proposed union make measurably better the lives of graduate students at Harvard?
2. Will the proposed union have overall positive impacts in the Harvard University community as a whole?
3. Will the proposed union help graduate students at Harvard contribute to solving various problems of the higher education in America in any significant way?

So far there has been little evidence to answer these questions in affirmative. On the contrary, as it will be shown below, there are many reasons to be skeptical and think that we need more research. I have been particularly disquieted by the sweeping rhetoric and the oversimplification and extreme abstraction prevalent in the organizing strategy and tactics employed by many HGSU-UAW organizers. I hope that the graduate students as a whole can resist the tendency towards oversimplification and remedy the situation by producing well-reasoned positions through objective research.

For understanding various political, legal, financial, economical, and educational issues surrounding the student unionization, I have read and found the following books valuable:

- *Why Union Matters* by Micheal D. Yates
- *“They’re Bankrupting US!” and 20 Other Myths about Unions* by Bill Fletcher Jr.
- *The Price of Inequality* by Joseph Stiglitz
- *American Law: An Introduction* by Lawrence M. Friedman
- *An Introduction to Labor Law* by Michael E. Gold
- *The Graduate School Mess: What Caused It and How We Can Fix It* by Leonard Cassuto

- *Higher Education in America* by Derek Bok
- *Academic Leadership and Governance of Higher Education* by Hendrickson, et. al.
- *The New Public Service: Serving, Not Steering* by Janet V. Denhardt and Robert B. Denhardt
- *Getting to Yes* by Bruce Patton, Roger Fisher, and William Ury

By listing these books, I wanted to provide the readers a sense of where I learned most of what I know about the topics relevant to the student unionization such as the labor movement and political economy in America, the current state of the U.S. higher education system and its problems, the U.S. legal system and the labor law, theories of public administration and leadership, and conflict resolution and principled negotiation and mediation. In what follows, I used a lot of materials from these books without providing specific reference. I recommend these books to those who wish to learn more about the topics but are unfamiliar with them, as I was just a few months ago.

Even after having done organizing work for the HGSU-UAW (until I quit a few weeks ago) and thinking about various issues for several months, I still find it difficult to answer many specific questions regarding the student unionization. This is because the university is a complex organization that requires years of experience and scholarship to understand. In writing this article, I thought it was reasonable to assume that the graduate students, who often specialize in a narrow, specific set of academic subjects, are unfamiliar with many topics relevant to the student unionization to determine whether it is worth supporting or not. This is one reason why I advocate more research and conversation on the subject. I hope this article will serve as a good starting point for many students to learn about the issues surrounding the graduate student unionization and explore more on their own.

3 HGSU-UAW FAQ, Annotated

In this section, I will take several items included in the HGSU-UAW's FAQ and suggest points of discussions and questions that should be further researched and explored before students are able to make an informed decision on whether to support the student unionization or not. The original text of the FAQ as it appeared on October 4, 2015 on the HGSU-UAW website is included later in this article.

3.1 But I feel like my life is pretty good.

“Without a union you may have it good right now, but Harvard could make a change at any time, without considering your concerns, and you have no recourse. This has happened to many grad workers at Harvard already. With a union, we get to negotiate a contract which is enforceable which would protect the benefits we like, and improve in the other areas. If you have it good, then it is in your best interest to join the union to help prevent cuts which so many of us have seen recently. Graduate unions are also organizing for better working conditions and benefits nationwide, and by standing together with tens of thousands of other grads we are part of a national movement.”

1. Statements like this antagonize the University administrators and paint them as powerful employers that do not have the best interests of students in mind. The reality is more complicated. Instead of focusing precious time and energy on understanding problems graduate students face and collaborating with various community members including the administrators to find creative, practical solutions, the antagonistic approach can create more conflicts than help improve lives.

3.2 What is HGSU-UAW?

“HGSU-UAW is an organization of graduate workers joining together to build power, create a democratic workplace, and negotiate to improve our working conditions and secure those conditions in a binding contract that cannot be unilaterally changed by the university.”

1. Some background: The graduate student unionization movement is ultimately part of the labor movement of the broader society. Therefore, to understand the student unionization movement, it is necessary to learn about the labor movement in America. Here I will provide a brief sketch of the history and background that are sufficient for the purpose of this article.

In the United States, collective bargaining is one of the protected rights of certain private employees who democratically choose to be represented by a union for negotiating the terms and conditions of their employment. The right is specified in the National Labor Relations Act (1935) that recognizes unions as legitimate representatives of workers. The Act requires private employers to deal with unions and prohibits discrimination against union members. Furthermore, the Act created the National Labor Relations Board whose courts and administrative agencies adjudicate on matters covered by the Act.¹ Graduate students are currently not covered by the Act and therefore are not protected against unfair labor practices nor guaranteed the right to engage in collective bargaining. (More on this later.)

From the beginning of modern industrial economy in America, powerful corporations often exploited workers to maximize profits for their shareholders and the legal environment has been (and still is) hostile for ordinary workers. Since the passage of the Act, the right to collective bargaining has been instrumental in improving the lives of many workers in America. By organizing themselves into unions and using economic weapons such as strikes and boycotts against unreasonable employers as necessary, workers were able to improve the terms and conditions of their employment, significantly in many cases.

The political ideology that underlies the theory of unions and collective bargaining views the management as the *class enemy* that has selfish interests and is ready to exploit workers to maximize benefits for itself. Sadly, this is a too apt description of the reality for many workers in America and around the world, and institutions like unions are necessary to protect

¹In a common law system like that of the United States, in addition to the statutes legislated by Congress, laws are made by courts and administrative agencies. In fact, most of the labor law are made this way.

workers from exploitation.

2. It is unclear whether graduate students at Harvard have the same grounds for asking for better wages and conditions as part of their study at the University. Admittedly, graduate students provide important service to the University by doing research and teaching and also face many personal challenges. However, students at other professional schools such as medical, business, and law schools also do research as part of their study but are not compensated for their work or provided with any benefits. In fact, they pay a large sum of money as tuition and many of them accrue a large debt by the time they graduate. Should they also form a union and demand compensation?

On a more ideological note, are graduate students employees who are exploited by the University and cannot maintain a decent living standard without the protection of the law? Can the University administration be likened to corporations with questionable ethical standards? Are they the class enemy?

“We will determine democratically our priorities and leaders.”

1. The HGSU-UAW currently does not have the democratic infrastructure necessary to realize a truly democratic union. This is disconcerting given the fact that most unions in the United States are run undemocratically, where a few union leaders hold all the power and most rank-and-file members have little say over the major decisions of the union. If recognized by the University, the HGSU-UAW is in danger of becoming such union. I will illustrate this point with a few examples.
2. Currently, the HGSU-UAW does not have a formal constitution/by-laws governing itself that is sufficiently broad in scope and specific in detail to guide its members and leaders in its *organizing work*. One may contend that such level of formality is not necessary at this stage of organizing and can be postponed until the union is recognized by the University. One may further argue that formal structure and processes can act as an impediment to effective organizing. It is difficult to imagine, however, a democratic organization emerging from an undemocratic one unless there is a concrete plan for a change or a reform effort down the road.

There are several examples of undemocratic graduate student unions that became more democratic only through reform efforts. The graduate students union at New York University and UC-Berkley went through such reforms recently.² Even then it is still debatable whether these unions have achieved a meaningful union democracy. Achieving union democracy is hard and should be one of the greatest priorities of any union organizing campaign.

²For an illuminating example of an undemocratic graduate student union, see <http://ucawdu.net/2014/09/17/what-was-uaw-2865-like-before-awdu-took-power-in-2011/>

3. A small group of active organizers known as the “coordinators”—many of whom have never been elected democratically by a sizable number of students (say, more than thirty students)—have self-appointed themselves as the leaders of the organization. The coordinators hold weekly meetings with the UAW staff members where all decisions regarding the organization are made without the input of the majority of the organization’s members.

In principle, any member of the organization is welcome to attend the coordinator’s meeting and provide input. However, for most students, such a meeting can be forbidding. The time and location of these meetings are usually not widely advertised to most students, for example, by announcing them on the HGSU-UAW website. With no formal process in place to facilitate the meetings, those who have been involved longer and who are closer to the UAW staff members will inevitably have a greater say over important decisions, and rank-and-file members will have little to no real power or influence.

Some coordinators are currently employed by the UAW as part-time organizers, instead of working as an RA or TF for the University. The coordinators who are hired by the UAW may be biased towards serving the interests of the UAW, rather than advocating for the best interests of the graduate students as a whole. As of now, there is no mechanism by which a leader of the organization can be held accountable.

4. The HGSU-UAW does not have a draft of the constitution/by-laws that can be adopted by the organization once it becomes recognized as a local union. As a UAW local union, the HGSU-UAW’s constitution/by-laws will have to conform to that of the UAW International Union. As will be pointed out several times below, in the absence of even a tentative draft of the constitution/by-laws of the proposed local UAW union, it is hard to say whether the proposed union will be a democratic institution that can create many positive impacts in the community.

- *“We will elect a bargaining committee from among our grad worker community.”*

1. Under the Labor Act, a union has the duty of fair representation that requires the union to represent each worker fairly. The duty applies both to negotiating contracts and to enforcing them. In the absence of a constitution/by-laws that specifies the election process for the bargaining committee, it is impossible to tell how the elected bargaining committee will fairly represent all graduate workers in the bargaining unit.
2. How many students should be elected from sciences, humanities, medicine, engineering, law, and other divisions? How do we ensure that minority students are represented fairly in the bargaining committee? What percentage of the committee should consist of international students?
3. In addition, what will be the structure of the bargaining unit? What procedures will there be to ensure that the elected members fairly represent the union constituency during the negotiation? How many UAW staff members and lawyers will also be part of the

bargaining unit? How will the student-elected bargaining committee members and the UAW staff members and lawyers work together?

- *“We will fill out bargaining surveys to tell the elected bargaining committee what matters to us.”*
 1. A survey is a good way to gather information about the needs and wants of students. However, problems graduate students face vary a lot from program to program. Will survey be an adequate means to understand problems in different programs? In addition to the surveys, will there be events like town hall meetings where students can voice their opinions and debate competing priorities?
 2. Given the information about the differing demands of students in different programs, how will the bargaining committee balance the competing demands and prioritize them for negotiation? The reality is that the union will have limited negotiating power and will have to decide which issues are more important than others. Are there principles by which the bargaining committee will abide in making this kind of decisions?
 3. Because of the challenges associated with understanding problems specific to each department, the union will probably have to focus on issues that concern all graduate students like healthcare and wages. Therefore, in practice the union will be ineffective at resolving issues specific to each department that might prove to be more important for improving students’ satisfaction in graduate school.
- *“We will vote to ratify an initial bargaining agenda the elected committee develops based on our survey feedback.”*
 1. What will be the format of the vote? Will it be a simple “yes or no” vote to the entire agenda? Or will students be allowed a chance to provide a meaningful feedback that can be incorporated into the agenda?
 2. How do we ensure that that the agenda is realistic and reasonable?
- *“When our elected bargaining committee reaches a tentative agreement with Harvard, we will vote whether to approve that agreement as our first contract.”*
 1. How will the bargaining committee negotiate with the University? Will the negotiation happen in open or closed room meetings? What kinds of negotiating principles and tactics will the committee members employ? How will the members of the bargaining committee held accountable?
 2. Again, what will be the format of the vote? Will it be a simple “yes or no” vote to the entire contract? Or will students be allowed a chance to provide a meaningful feedback? Will there be events like town hall meetings where students can voice their opinions and

debate competing priorities?

- *“If we ratify the contract, we will then elect leaders to run our union and to help ensure that our contract is enforced.”*
 1. How will the leaders be elected? How many students should be elected from the sciences, humanities, medicine, engineering, law, and other divisions? How do we ensure that minority students are represented fairly in the leadership? What percentage of the leadership should consist of international students?
 2. How will the contract be enforced? (More on the enforcement of contract below.)

3.3 What have other graduate workers won through collective bargaining?

By sharing the list of items below, the HGSU-UAW is suggesting that the proposed union can make improvements in these areas. Before examining their claims one by one, I want to address the following points:

1. What are some specific problems with the status quo? Understanding well the problems in the community is the first step towards their solutions. Has the HGSU-UAW done the research necessary to understand the needs of graduate students in the areas mentioned below? Does it have quantitative data and records of interviews to show a good understanding of various problems in the community?
2. How does the situation at Harvard compare to that of other universities? As one of the world’s leading universities, Harvard already provides its students with an academic environment and support of the highest quality. In fact, the University administrators have a significant interest in providing the best possible support to students in order to attract the best talents from all around the world. Given the situation, could Harvard students expect to gain substantially increased wages and benefits by unionizing? Since currently there is only one graduate student union at private university—namely, GSOC-UAW, the New York University graduate student union—I will refer to the union’s contract with NYU to try to answer this question below.³
3. Where will the money come from?
I heard many times the argument that the University is rich, pointing to its almost 40 billion dollar endowment and therefore is able to provide increased benefits for graduate students who provide critical services to the success of the institution. This kind of argument is an example of the oversimplification that students should guard themselves against.

³Collective Bargaining Agreement between New York University and International Union, UAW, AFL-CIO and Local 2110, UAW. September 1, 2014 – August 31, 2020. (Available on <http://www.makingabetternyu.org/gsocuaw/read-it/>)

The University finance is a complicated matter.⁴ There are twelve degree-granting schools within Harvard University, each of which has its own endowment. Every year the University administrators at each school prepares a budget by projecting expected operating expenses and finding means to supply operating revenues to cover them. When preparing the budget, the administrators have to balance a myriad of competing priorities and demands of various stakeholders.

This is by no means an easy task. To be concrete, let's focus on the GSAS. Every year various departments will request more funding for new faculty hires/promotions, more graduate students, new projects and initiatives, building maintenance and renovation, and more in addition to what they are used to getting. On top of that, faculty and graduate students demand greater salaries and benefits (which by the way comprise approximately 50% of the annual expenses of the University as a whole). How should the University administrators accommodate the differing interests of various parties? On one hand the administrators as academic leaders are responsible for maintaining the prestige of the institution by continuing to invest in growth opportunities. On the other administrators have to consider the fact that adequate support, financial or otherwise, must be provided to students and faculty to keep them happy and productive in order to achieve the institution's core educational mission and research goals. There is not an easy answer to this problem.

The endowment is important for the health and growth of the institution because it gives the University greater security in times of financial downturns and a greater latitude for capitalizing on growth opportunities. The fact that Harvard has a big endowment is one of the reasons why it can continue to maintain its prestige and influence in the world. The endowment, however, should not be thought of as a free pool of money that is readily available for use. Much of the endowment is restricted for specific use only such as financial aid to college students from low-income families. Sometimes the restrictions are so stringent that the money is not available for use for many years.

As citizens of the University community, students should do what is best not only for themselves but for the University as a whole. In particular, to demand increased benefits and wages students should be able to provide a more compelling argument than simply pointing to the endowment and saying "because the University is rich".

- *“Contractually-guaranteed annual across-the-board stipend increases and timely payments.*
 1. Timely payments have been a problem for many years in several humanities and social sciences departments. This is obviously a serious problem that needs to be fixed. (If I have to guess, this might be because Harvard has a highly decentralized system of financial management where each department manages its own budget. It just happens that some departments are better than others at paying students on time.⁵) But will having

⁴The University finance is a subject that I am learning more about. For now, I will give a couple of examples to illustrate the complexity involved.

⁵<http://harvardmagazine.com/2004/05/harvard-a-to-z.html>

a union help solve this problem?

Even without a union, it is illegal in the state of Massachusetts to pay wages late. A student who is paid late may be able to file a wage complaint with the General Attorney's Office although due to the large volume of complaints it may take the Office several weeks before the Office reviews the case and decides whether or not to investigate it.⁶ There are plenty of cases where union members are not paid in a timely manner and as far as I can tell there is not much a union can do to help fix the problem. (There is no mention about timely payment in the NYU contract.)

2. The claim about contractually-guaranteed annual across-the-board stipend increases can be misleading. Over the past five years the University has given graduate students 3.1% pay increase per year on average. The NYU contract guarantees 2.5% pay increase. The union will collect 1.44% from students' paycheck as dues. So it is very possible that Harvard graduate students will end up getting effective pay increase of somewhere between 0.96% and 1.66% rather than the full 3.1% that students have been receiving for the past few years.

The dues collected by the union will amount to about 1.9 million dollars.⁷ 60% of this, or 1.1 million dollars, will go to the UAW and only 40% will remain with the local union. 1.1 million dollars is the money that could be used to benefit students here at the University like childcare or improved healthcare. The HGSU-UAW has not made clear how the remaining dues, or 800K dollars, will be used at the local level. There are currently thirty one recognized graduate student unions in the United States. Searching through the websites of half of them, I still could not find a local union that makes its budget publicly available online. (To be fair, the NYU local has promised to make its budget available on its website soon.) In the absence of any data, it is hard to say how the money will be used. How much of the dues collected will be used for compensating graduate student union leaders for their services to the union? How much will be used for programs that benefit the whole graduate student body?

- *“Enhanced dental, vision, and mental health insurance (including lower co-pays for services and prescriptions).*

1. It is not clear whether the NYU union won any significant improvement in this area for the majority of graduate students. The “free dental plan” the union won is a free service at the NYU dental teaching clinics, where dental school students provide services under the supervision of the school's faculty.⁸ The range of services covered by the NYU insurance is quite limited compared to, say, the dental insurance offered by Harvard.⁹ The wait times for treatment at this type of teaching institutions is usually very long.

⁶This claim needs to be verified.

⁷\$2,700 per month per student \times 4,000 Ph.D. students \times 12 months \times 1.44% = \$1,866,240.

⁸For more information on the dental plan the NYU contract provides: <http://dental.nyu.edu/patientcare/student-plan.html>.

⁹For more information on the dental plan offered by Harvard: <http://hushp.harvard.edu/dental-coverage>.

Moreover, it does not seem like there has been any substantive change to the health insurance plan of the majority of graduate students (see the next item about the extended benefits for students with family). In particular, it is not clear whether the union gained anything in vision and mental health coverage.

2. On top of free health insurance, Harvard provides a financial support for students who want to seek mental health services outside the Harvard health system. I have also heard several cases where students received general financial help from the University when they were experiencing hardship due to a medical emergency. The NYU union is very well organized and has a lot more experience than the HGSU-UAW. Will the HGSU-UAW do a lot better than what the NYU union did and win greater benefits than what the University is currently providing?
- *“Improved family benefits, such as dependent health coverage, childcare subsidies and paid maternity leave.*
1. The NYU contract says the University will create on average of about \$80,000 childcare fund per year for the next five years. If the fund were equally distributed amongst graduate students with family, how much would each student receive? According to the NYU website, there were 25,000 graduate and professional students enrolled in Fall 2014.¹⁰ The corresponding number at Harvard is about 15,000.¹¹ Since the number of graduate students at Harvard is about 4,000 ($\approx 15,000/3$), let’s say there are about 8,000 graduate students at NYU and further assume that 5% of them have children. Then, each student will receive about \$200 per year for childcare.

How accessible will the fund be in practice? Will students have to fill out multiple forms for the disbursement of the fund, explaining in detail how the fund will be used and personal financial circumstances that made them to apply? Will there be a committee of graduate students who decide which students will receive what amount? What criteria will the committee use?

2. The NYU contract also provides for a \$175,000 fund on average per year for dependent health care coverage. According to the contract, students who wish to enroll their dependent children or spouses under their health plan will have to pay the premium out of pockets and get reimbursed later during the semester. Students can get reimbursement up to 75% of the premium paid, depending on how many people applied for the fund. If 5% of graduate students applied for the fund and received an equal amount, an eligible student would receive about \$440. The same questions from Point 1. above applies here too.
3. Several graduate students with family have told me that Harvard gave them \$3,000 for having children form. Will the HGSU-UAW be able to win greater benefits for graduate

¹⁰<http://www.nyu.edu/about/news-publications/nyu-at-a-glance.html>

¹¹<http://www.harvard.edu/about-harvard/harvard-glance>

students with family than what is currently provided by the University?

- *“Workload protections that enhance the quality of education.” & “Vacation and sick leave for research assistants.”*
 1. Article 17. Compensation of the NYU contract provides that as a TF or an RA students will be expected to work 20 hours per week on average and should be given a “reasonable” workload. The language in the contract is so vague that it is hard to tell what “reasonable” will mean in practice.
 2. Article 11. Holidays/Vacation provides that “Graduate employees pursuing a doctorate who work twenty-six (26) consecutive weeks will be entitled to two (2) week’s paid vacation at their regular rate of pay. All other graduate employees who work twenty-six (26) consecutive weeks will be entitled to one (1) week’s paid vacation at their regular rate of pay. Scheduling of vacation is subject to supervisory approval. Approval shall not unreasonably be withheld.” It makes me wonder who will really benefit from this term in the contract. Is there any graduate student that works without a break for twenty-six consecutive weeks (excluding holidays)?
 3. How will these terms be enforced? If a student is “forced” to work more than 20 hours per week for teaching or research, will the student start claiming overtime? Would students have to start logging hours? Should students start counting the number of vacation days he or she has taken? If the term of the contract is not respected, then should the student file a grievance? Filing a grievance will likely antagonize instructors and advisors, which will have detrimental effects on students’ relationship with them. For this reason, most students will choose not to file a grievance.
- *“Subsidized public transportation services.”*
 1. How much will this cost the University? How much benefit will this provide to students and the University?
- *“Protections against discriminatory practices, sexual harassment and assault.”*
 1. What additional protections can the union provide? What are the processes currently in place at the University to address when issues like this arise at workplaces and how would it be different if we had a union?
 2. The NYU contract provides that “Any grievance claiming a violation of this [Non-discrimination] Article may be initiated at Step 3 of the grievance procedure”. The Step 3 of the grievance procedure reads “The Provost or Provost’s designee shall meet with the Union to discuss the grievance within ten (10) days of the receipt of the written appeal. The Provost or designee will render a decision within fifteen (15) days of receipt of the appeal.” I think that the grievance procedure prescribed by the contract is quite

inadequate for handling cases as serious and sensitive as sexual harassment and assault. I cannot imagine the contract negotiated by the HGSU-UAW will be significantly different from that of the NYU regarding the grievance procedure.

- *“Improved disability access and resources for people of color.”*
 1. Are there significant rooms for improvement in terms of disability access and resources for people of color at Harvard? If so, how will having a union help?¹²

- *“Establishment of a fair and transparent grievance procedure.”*
 1. The NYU union summarizes its grievance procedure as follows:
 - “When: Contact the union stewards as soon as possible after you notice a grievance, since we must start the grievance procedure within 15 business days (not including Saturdays, Sundays and university holidays).
If the grievance process starts later than 15 days after the grievance happened, NYU has no obligation to respond to the grievance (though we can still try!).”
 - “How: The first step is always to informally discuss the grievance with the appropriate faculty member or administrator in the department/unit. The graduate worker can do this by themselves, or ask a Union representative to come with them. If the grievance is not adjusted within ten days to the workers satisfaction, the Union will help to appeal the grievance further.”
 2. Will a grievance procedure of the kind provided in the NYU contract provide greater security to graduate students and enhance their educational experiences at the University in any measurable way?

3.4 What does having a union mean?

- *“Voice. Unions give graduate workers real and meaningful voice in how the university operates. In an era of increasing academic corporatization and reliance on contingent researchers and teachers over tenured faculty, graduate worker unions give us a powerful voice in determining the future of our working conditions as well as the shape of the university as important institutions in our society.”*
 1. It is unclear how the union will give graduate students a greater collective voice in shaping the future of higher education. The union’s role in the University will be limited to enforcing the contract and will not automatically provide students with a seat at the table for shaping the University’s educational policies or culture.
 2. One of the big problems facing graduate education in America is that the educational curricula of most graduate programs are designed to train students to become professors

¹²The Americans with Disabilities Act (1990) already requires the University to provide a reasonable accommodation of people with disability.

at research universities whereas most available jobs that students end up getting are elsewhere. How will a union be able to tackle a problem like this?

3.5 Which workers would be represented by HGSU-UAW?

“We are seeking to represent any graduate student workers doing teaching or research work, on all Harvard campuses. When the regional NLRB determined who would be covered by a Union in 2002 at Columbia, for example, it included TAs and RAs all across campus.”

1. The NYU contract does not cover the following workers:
 - Graders/Tutors.
 - Graduate assistants at the School of Medicine.
 - Candidates for the Master of Business Administration degree at Stern.
 - Research assistants at Polytechnic Institute.
 - Research assistants in the Biology, Chemistry, Neural Science, Physics, Mathematics, Computer Science and GSAS Psychology departments.
 - Guards and supervisors as defined in the National Labor Relations Act.
 - Graduate employee adjuncts enrolled in Ph.D. programs beyond the 7th year.
2. The “right-to-work” law of Massachusetts makes it illegal to force a worker to join a union as a condition of his or her employment. However, depending on the shop, a non-union member may be required to pay dues for services provided by the union. How should students of each department/program decide whether to be part of the union? How should the decision be communicated to the HGSU-UAW?

3.6 Can graduate workers form unions?

“Yes! We always have the right to organize to improve our working conditions.”

1. It is unclear what the meaning of this statement is in the light of the current legal status of graduate students under the labor law.¹³ If “the right to organize” means that students are free to gather to talk about unionizing during non-work hours or signing the authorization cards, then they are protected under free speech and freedom of assembly.

However, because of their current legal status, graduate students do not enjoy the protections guaranteed by the Labor Act. Section 7 of the Labor Act guarantees private employees the right to engage in “concerted activity”, or the right to act together to improve their working lives. Going on strike, presenting grievances to an employer about the working conditions, attending a union meeting, and ordinary grouching are all examples of concerted activity. The

¹³The following claims need to be verified.

protection of the Labor Act applies to both organized and unorganized workers, that is, regardless of whether or not a group of employees have formed a union. *Since graduate students at private universities are not covered by the Act, they are not protected by the law when acting in concert to interfere with the University's business such as going on a strike.* In other words, they cannot file unfair labor practice charge against the University if disciplined for union organizing.

2. It is very unlikely that the University will retaliate against a graduate student for engaging in union organizing. The University has a significant interest in maintaining good public relations. Also, disciplining a student without a just cause is likely to further galvanize the unionization movement. However, it is important to remember that graduate students do not enjoy the same protection of the law as other employees and interfering with the University business may result in disciplinary actions which are legal. This means graduate students have far a less leverage for winning union recognition compared to other employees as they do not have economic weapons they can use to pressure the University.

“ However, due to U.S. labor law, private universities are not currently obligated to recognize or negotiate with graduate workers. This may soon change. While graduate worker unionization at public universities is governed by state labor law and many states, including Massachusetts, explicitly recognize graduate workers right to unionize private universities are governed by federal law. The National Labor Relations Board (NLRB) is the federal body that decides whether graduate workers are employees, and thus whether universities must negotiate with them. After a landmark decision at New York University in 2000, George W. Bush appointees to the NLRB said graduate workers do not have the right to collective bargaining. However, grads from Columbia and the New School recently filed petitions seeking to overturn the current ruling. Graduate workers at those universities are hopeful that the NLRB will overturn the 2004 decision soon.”

1. The Labor Board consists of five judges that are appointed by the President by the advice and consent of the Senate. By the virtue of its structure, the Board is partisan and often reverses its decisions depending on which party is in control. Currently the board is dominated by the Democratic party and is reviewing the petition filed by the Columbia counter part of the HGSU-UAW, or Graduate Workers of Columbia-United Auto Workers (GWC-UAW). As there is no statutory time limit for making a decision, it may be a while (several years) before the board decides on the case.

3.7 Is the NLRB the only option?

“No. Harvard can choose to voluntarily recognize our union when we have a majority of the graduate employees showing support for the union by signing authorization cards. In exchange for withdrawing a petition before the NLRB, graduates at New York University, a private institution, received voluntary recognition of their union from the NYU administration. In their December 2013 vote, 98.4% of NYU graduates ballots cast were in favor of a union. Although the university was not required by law to recognize the union and negotiate a contract, the administration chose to do so.”

1. The NYU union recognition occurred amidst a compensation scandal involving the university's administrators, which provided a special circumstance favorable for the recognition of the union. A voluntary recognition by Harvard would be very unlikely given the antagonistic approach of the HGSU-UAW.
2. The number 98.4% can be misleading if not qualified properly. Only the students who favored the unionization voted at the representation election.¹⁴

3.8 Why the UAW?

“Usually graduate workers choose to organize with a larger labor union such as the United Automobile Workers (UAW), which began as an auto workers union in the 1930s but now also represents workers in service industries, non-profits, and university positions such as staff and research and teaching assistants. The UAW now represents more than 50,000 academic workers across the US, including more graduate workers than any other union. By organizing with a union like the UAW (which represents organized students at NYU as well as the Universities of Massachusetts, California, Washington, and Connecticut) grad workers join our power with hundreds of thousands of other members across the county, and gain access to extended resources and opportunities. These often include access to labor lawyers, and professional training to help ensure we have the strongest union and best contract possible.”

1. Because of the constant hostility and attacks of the management in the American economy, the union's membership has been decreasing rapidly the since 1980s. In 1979, the UAW had 1.5 million members compared to only 400K members in the early 2010s. In order to survive, the UAW had to expand its membership to represent different types of workers. Without being overly cynical, it is good to keep in mind that the UAW is an organization with its own interests. It may be more interested in growing in numbers and collecting dues than helping graduate students at an elite university improve their lives.

3.9 Will I have to go on strike?

“We decide if a strike is a necessary action to take. Under the UAW, 2/3 of those participating in a strike authorization vote must vote yes in order to authorize the Union to call a strike. While a strike is most effective if we all participate, it is an individual decision whether or not to participate. Striking is a last resort as a tactic and is rare. 98% of union contracts are reached without a strike.”

1. How will the decision to strike be made? What does the “2/3 of those participating in a strike authorization” mean? Do all members get to vote?
2. What kinds of negative impacts will strikes have on the University?

¹⁴This claim needs to be verified.