

ILR Faculty Respond to Interim President Hunter Rawlings' Statement on Graduate Assistant Labor Union Representation

In his "statement on graduate assistant labor union representation" (October 27, 2016), Interim President Hunter Rawlings cites the Cornell University School of Industrial and Labor Relations (ILR School) as being "the leader in the field of labor education." We write here as faculty of the ILR School, drawing on our expertise and experience in the field of labor law, labor relations and labor rights. We agree with President Rawlings that it is essential that the University respect the graduate assistants' choice of whether they wish to be represented by a union. We also agree that it is important that graduate assistants have access to information relevant to making their choice. Unfortunately, however, President Rawlings' statement presents a negative view of unionization based on speculation and unsubstantiated assertions. In responding to these speculative claims, our letter seeks to provide useful information about the reality of unionization in universities.

The National Labor Relations Act (NLRA) recognizes that employees have collective interests in joining together to improve their working conditions for employees' "mutual aid or protection." Whereas an individual employee, acting alone, usually lacks power to negotiate effectively with an employer, unionizing gives employees a collective voice that levels the playing field for negotiations. President Rawlings' statement, however, is a drumbeat asserting that collective and individual interests are in opposition. This assertion mischaracterizes the purposes of unionization and the way collective bargaining works. Through negotiations with the employer for a collective bargaining agreement, unions attempt to achieve improvements that benefit all the individual employees in the bargaining unit, including higher wages, workload, health insurance, safe working conditions, and grievance procedures. Collective bargaining also enhances individual employees' ability to express their priorities about needed improvements. The union negotiating team, which includes employees, creates bargaining proposals based on the priorities of the employees in the bargaining unit.

President Rawlings' statement further relies on speculative and unsubstantiated fears that unionization of graduate assistants will interfere with graduate education, the faculty-graduate student academic relationship, and shared governance. These assertions are belied by the evidence and the best available empirical research on higher education practice. As the National Labor Relations Board (NLRB) observed in its recent *Columbia University* decision upholding the right of teaching and research assistants to unionize and collectively bargain in private universities: "Collective bargaining by graduate student employees is increasingly a fact of American university life." The NLRB summarizes the extensive experience of collective bargaining in public universities: "Recent data show that more than 64,000 graduate student employees are organized at 28 institutions of higher education, a development that began at the University of Wisconsin at Madison in 1969 and that now encompasses universities in California, Florida, Illinois, Iowa, Massachusetts, Michigan, Oregon, Pennsylvania, and Washington." The NLRB concludes that close to 50 years of graduate assistant unions in public universities provides relevant and useful evidence that collective bargaining can extend to private universities. Additionally, as the NLRB observes, "Both the original and successor agreements at

NYU addressed such matters as stipends, pay periods, discipline and discharge, job posting, a grievance-and-arbitration procedure, and health insurance—nearly all familiar mandatory subjects of bargaining across the private sector, which appear to have been successfully adapted to a university setting.”

The NLRB relied, as well, on academic research findings that unionization does not negatively affect faculty-student relationships. This research includes a recentsurvey-based study comparing unionized and nonunionized campuses, which confirmed the findings of prior surveys that unionization does not interfere with faculty-student relationships or harm the education or training of graduate students. (See, Sean E. Rogers, Adrienne E. Eaton, & Paula B. Voos, *Effects of Unionization on Graduate Student Employees: Student Relations, Academic Freedom, and Pay*, 66 ILR Review 487-510 [2013]). Moreover, this 2013 study found positive effects of unionization on faculty-student relationships, specifically, that unionized graduate students “had higher mean ratings on their advisors accepting them as competent professionals, serving as a role model to them, being someone they wanted to become like, and being effective in his or her role.” (p. 505).

Finally, unionization and shared governance have long coexisted. Faculty unions and graduate assistants unions in public universities engage in collective bargaining over terms and conditions of employment at the same time that faculty senate and graduate student assemblies engage in shared governance. This is the typical model in universities that the Cornell Graduate Students United and the Cornell Graduate and Professional Student Assembly can follow.

The information and analysis we present here differ significantly from the perspective offered by President Rawlings. One point on which we do agree is that this is an important decision for the Cornell graduate assistants. Most importantly, the choice of whether to unionize belongs solely to the graduate assistants, not to President Rawlings and other university administrators, or to the faculty. We should ensure that the graduate assistants are able to freely and fully exercise their rights and their choices.

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