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**Beyond the Picket Line: Academic Organizing after the Long NYU
Strike**
Introduction to the Special Issue
Michael Palm

After a wave of academic organizing victories over the past decade, including the formation of unions for adjunct professors as well graduate student employees at NYU, the 2005-06 strike by GSOC/UAW Local 2110 was followed closely by many observers of university life, and no shortage of commentators predicted that GSOC's struggle at NYU would prove significant for the future of academic labor.¹ This special issue of *Workplace* presents some of the first scholarly and activist analyses of the strike and its implications, written by five graduate employees at NYU, all active GSOC members, and a member of CUNY's faculty/grad union.

The 2005-06 strike at NYU was noteworthy for several reasons. GSOC's first contract remains the only collective bargaining agreement between graduate employees and a private university in the U.S. (Public universities have recognized grad unions for almost forty years.) GSOC also found itself in the precarious situation of a previously recognized union striking to force negotiations, rather than striking when negotiations break down. When GSOC's bargaining committee called for a strike authorization vote in October 2005, it was not to resist a proposed pay freeze or to take a stand against health care rollbacks. The vote by GSOC members to strike was a decision about how to fight for the basic right to negotiate with your employer over your compensation and working conditions. A strike can be a radical tactic, but GSOC's struggle is essentially a conservative one, a fight to retain rights rather than gain new ones.

NYU had won its share of fame and notoriety before the strike. The *New York Times* breathlessly covered the NYU "miracle" throughout the 1990s, when a longtime commuter school emerged from the brink of bankruptcy and remade itself into a cosmopolitan alternative to the Ivy League (Marnas Dim and Murphy Cricco 2001). A systematic campaign to hire star faculty away from elite colleges (often the Ivies) helped rapidly enhance status and prestige (Van Antwerpen 2004). Most of the high-profile faculty recruited to NYU over the past decade have not been invited to share in campus governance, and last year many of them joined Faculty Democracy, a "broad-based association of NYU faculty dedicated to bringing transparency and accountability to

decision making at the university.”² FD was formed during the buildup to the strike, as NYU professors from different schools, departments and tenure lines—as well as opposing ideological positions on the union—became increasingly frustrated at their own exclusion from discussions concerning the future of GSOC. When the *Economist* joined the chorus of praise for NYU’s ascent “from underdog to top dog,” just two months before the strike, it attributed the upstart’s success to a streamlined and centralized management strategy. Unlike more traditional universities, where faculty governance is an expected and accepted feature of academic freedom, at NYU “power is concentrated in the hands of the central administration.” The *Economist* mentioned neither GSOC nor Faculty Democracy and seemed unaware of the pending crisis on campus. This oversight notwithstanding, it is a reasonable starting point for any analysis of the long strike at NYU to assume that it stemmed from this managerial consolidation of power.

NYU graduate students formed the Graduate Student Organizing Committee (GSOC) and began a union drive during the 1997-98 academic year. Four years later, in January 2002, GSOC/UAW Local 2110 ratified its first contract.³ The payoffs of the long, hard-fought campaign were felt immediately: health care was now provided for all graduate employees, and pay increased by an average of forty percent across campus. For grads in relatively poor or underfunded departments, pay was often more than doubled, and all graduate students who had worked the previous year received retroactive paychecks. Many veteran GSOC members remember what grad school was like at NYU before the union, and to my ears the most compelling case for the NYU administration to negotiate a second contract with GSOC comes from members and alumni who insist they couldn’t have afforded to attend NYU without the union. Fewer NYU graduate students need to work second jobs now, leaving more time to devote to teaching and studies, and it is (slightly) more possible to imagine raising children while attending graduate school in New York City if you can rely on the living wage and health care benefits that come with union security. Many graduate students at NYU, myself included, maintain that GSOC was a key factor in deciding to attend NYU over rival programs, owing to personal principles and political orientations as well as economic advantages. On top of the bread and butter gains and progressive perks, many NYU faculty as well as graduate students have publicly expressed their appreciation for the contract and the professional framework it provided for our work together in the classroom, laboratory, or office.

Nonetheless, when the contract expired on August 31, 2005, NYU’s central administrators refused to negotiate another one. Several efforts to force negotiations failed—rallies, demonstrations, seventy-six arrests for peaceful civil disobedience (including AFL-CIO President John Sweeney), collective and individual pleas from faculty, and a petition demanding recognition signed by over two-thirds of GSOC’s bargaining unit. The strike began on November 9, 2005 and lasted throughout the 2005-06 academic year. The essays collected in this special issue of *Workplace*, in a sense, announce the next phase of GSOC’s history—the continued fight for a second contract after a year on strike. The strike was personally agonizing and organizationally grueling, and after a protracted stalemate its end was a relief for nearly everyone involved. The rebuilding this year at NYU has been as novel for GSOC as last year’s chaos. No grad union has conducted a seven-month, two-semester strike, and no grad union has picked

up the pieces after such a strike. However, many of the economic and institutional challenges encountered this year by GSOC members will be familiar to *Workplace* readers, to graduate students across the US and Canada, to the academic labor movement and to employees in any number of industries. Here are three.

- Co-pays for mental health care, women's health care and prescription drugs have been raised repeatedly since our contract expired.

Health care for funded graduate students at NYU is a direct result of the first contract, ratified over five years ago; meanwhile, graduate students are just now beginning to receive health care along with their stipends at the University of Chicago, a "peer institution" and direct rival to NYU. Opponents of unionization for graduate employees often contend that a competitive market for PhD students ensures we receive fair compensation and adequate care. Inside Higher Ed followed this logic of the bidding war by announcing that the new health care coverage at Chicago was "upping the ante in graduate stipends" (Jaschik 2007). The health care ante was upped at NYU five years ago, thanks to GSOC's organizing drive. The recent extension of health care coverage to graduate students at the University of Chicago is a welcome advance, although it comes more than five years after GSOC negotiated for health care at NYU. Without a union contract, graduate students at NYU have managed to retain health care coverage, but the benefits have been downgraded substantially for two years running.

- Teaching and research positions for graduate students at NYU continue to be replaced by lower paid, more demanding jobs.

Over the life of its first contract, GSOC's bargaining unit was "eroded" from over thirteen hundred members to under a thousand. TA jobs at NYU are still funded at pay rates guaranteed under the GSOC contract, but fewer of these jobs are available. New teaching opportunities for graduate students continue to proliferate, but these jobs are classified as adjuncts, lecturers, graders, preceptors and other new positions meant to circumnavigate the union's contractual pay rates for teaching and research assistants. Even the "promotions" are a mixed blessing. For example, NYU has begun funding some advanced PhD students in the English department as "ABD Instructors," rather than as TAs. Unlike the vast majority of employment opportunities for graduate students at NYU, these two-semester jobs are paid over twelve months, meant to help fund dissertation completion. But the workload—teaching multiple courses and performing departmental work such as advising senior theses—prohibits much writing at all from September to May. The gross salary is better than a TA's stipend, and the position comes with faculty health care benefits, but the job reclassification also means higher taxes, and the raise turns out to be negligible for a more demanding job. From the perspective of an academic labor organizer, after a yearlong strike, these non-renewable one-year teaching appointments appear less capable of helping graduate students prepare for the tenure-track job market, and more like a preview of life as an adjunct.

- The NYU administration is conducting an extensive and intricate anti-union campaign.

Last year GSOC faced strike breaking tactics familiar to industrial unions, including intimidation, random firings and a company union.⁴ In the first article of this special issue of *Workplace*, Emily Wilbourne sets the stage for the strike by presenting an email exchange between herself and Catherine Stimpson, Dean of the Graduate School of Arts and Sciences at NYU, whose missive on the eve of the strike vote opens a window into the personal and professional coercion endured by potential strikers.

In January 2006, once it became clear that GSOC would remain on strike into the spring semester, three striking TAs in the Spanish department received letters from an official in the provost's office, announcing they had lost their teaching appointments and their pay for the entire semester. Then one TA in the Sociology department received the same letter, then two in Creative Writing—who would be next? Finally all eleven striking TAs in the English department were fired together. Twenty-three strikers in all were fired, arbitrarily and in accordance with no NYU rule or policy. A full calendar year later, they remain mired in the “interim grievance procedure” for graduate students, a stopgap meant to fill the void left by abandoning the union's contractual grievance procedure.

Meanwhile, NYU administrators have initiated a “House of Delegates,” which looks like a union, sounds like a union, but leads to a “conference committee” designed merely to advise the administrators who decide the terms of compensation and benefits for graduate employees, in lieu of negotiating over them. GSOC activists dominate the company union, torn between the desire for any potentially effective representation and all of the anger, frustration and fatigue that flows from having your rights denied, your friends and colleagues fired, and your intelligence insulted by the people employed to manage your university. Graduate students at NYU did not ask for (let alone demand) a new “dummy parliament,” and most elected delegates recognize it as a façade, a stand-in for a real union (Hernandez 2007). It remains to be seen whether effective representation for graduate employees can be wrought from this new student group. At the very least, the landslide victory for the “GSOC slate” of delegates demonstrates that the union is still the only organization on campus with the ability to mobilize hundreds of graduate students.

GSOC began the 2006-07 school year without a contract and back at work after a prolonged strike. But last fall was also, in many basic ways, no different than any recent year for the union. The bargaining unit had turned over by at least one-third, as it does every year, and many members were new, as they are every year, not only to working at NYU, but often to graduate school, New York City, the United States and union membership. GSOC's most fundamental tasks last fall, as they are every year, were to reach out to every member and help orient them to NYU's political economy and labor politics, and introduce the union as an advocate for fair pay, benefits and working conditions, and capable of promoting social and economic justice on campus and beyond. As any grad union organizer will tell you, these tasks are monumental and never ending. Last fall GSOC turned inward, avoiding any publicity and dropping nearly all coalitional work in favor of rebuilding its membership and leadership. Organizing committees were formed or reformed in most graduate programs across NYU's sprawling and disjointed campus, and organizers set out to discuss with every interested colleague the past, present

and future of the union. Labor movement veterans, familiar with the devastating impact of a drawn-out strike, were amazed last spring when GSOC reestablished majority support among members in less than two months, deep into a second semester on strike and after a majority of members had returned to work. Equally as important for a union with such intense biannual turnover, last fall GSOC managed to more than double the number of members actively organizing in their own or other departments on campus.

On top of the perpetual back-to-school mission, the situation remains similar to last year in another crucial way: GSOC is still fighting for recognition and a second contract without the protection offered to workers by the National Labor Relations Board (NLRB). In 2000 the NLRB ruled that NYU was legally obligated to recognize the union. The NYU administration challenged the ruling and lost; meanwhile, GSOC employed multiple pressure tactics to demand recognition, including publicized visits from elected officials and a massive undergrad petition, as well as the first of at least three mass petitions for union rights by graduate students. Ultimately, GSOC's bargaining committee called for a strike vote, and the night before the vote, NYU agreed to drop all legal appeals and negotiate. The NYU decision was a powerful (although not decisive) card in GSOC's deck, and now the employer holds it. Once Bush was elected and the federal labor board was reappointed, Brown University (one of at least four Ivies facing graduate organizing drives in the wake of GSOC's contract) brought an appeal against the NYU decision. In July 2005, the new NLRB members overturned the earlier decision in the NYU case, acknowledging that TAs and RAs are employees, while declaring that at private colleges and universities (unlike public institutions) they are "primarily" students and therefore do not qualify for labor rights.⁵ During the long, slow dance from the NLRB's rollback to the expiration of GSOC's first contract, thirteen months later, many union members and supporters hoped the NYU administration would listen to the students, teachers and staff on campus, an indisputable majority of whom supported the union, rather than heed the call of a reactionary Bush labor board.⁶ These hopes were not unfounded. NYU's "University Leadership Team," which appointed itself responsible for deciding whether or not to recognize GSOC, was led by University President John Sexton, who hails from a self-described "union family," and two veterans of the Clinton administration, whose NLRB had extended union rights to graduate employees at private universities in the first place.⁷

In this special issue of *Workplace*, Michael Gallope and Elizabeth Loeb both analyze the strike at NYU in the dim light cast by NLRB decisions about the employment of graduate students. Gallope argues that an academic's career begins in graduate school, rather than upon completion, and he promotes union rights for graduate students to encompass the entirety of graduate school, rather than just for labor performed as teaching and research assistants. Gallope's expansive vision of collaborative pedagogy as a bulwark against workplace management and university austerity flows from Emily Wilbourne's initial essay, briefly mentioned already, in which she reflects on the differences "between the relationship of teacher to student and the relationship of administrator to teacher." Some of these insights occurred to her while banging a drum to keep the picket line beat, and she ruminates on the professional complexities of turning the unified but unstable experience of "protest, pedagogy [and] picketing" into the academic production of a

journal article. Gallope then highlights the amorphous and ineffable qualities of academic production in his critique of the NLRB's NYU and Brown decisions for their adherence to a "traditional master-servant relationship" as the litmus test for whether the labor of academia is being performed by students or workers.⁸ While Gallope emphasizes the collaborative and dialogical nature of contemporary academic work, Elizabeth Loeb focuses on the often "unbearable difference[s]" that emerge among and between academics on strike. Loeb highlights the links and tensions between rights, power and difference laid bare during GSOC's struggle to maintain the strike. She reviews how "the master's tools" have been used by the union as well as against it, and she interrogates power outside the law to analyze GSOC members' struggles for personal and political as well as professional recognition during the strike in the absence of legal rights.

David Schleifer employs a subset of the master's tools, the sociological case study, to interrogate power inside the university. Schleifer pursues insight through distance, and the imagined audience for his wry critique are social scientists who may one day choose to study academic strikes in their own research. On the other hand, the intended audience for Andrew Cornell's article includes academic activists (possibly the same audience as Schleifer's) who may one day find themselves in the position of contemplating a strike of their own. Cornell zeros in on one crucial constituency for any teachers' strike, their students, and he looks back at the NYU strike for lessons about coalitional activism on campus. Ashley Dawson ends this special issue by reminding us that "another university is possible." Dawson analyzes the impact of New York City's FIRE/ICE economy and neoliberal culture on CUNY, in order to help illuminate the public costs of NYU's private success story.⁹ The Professional Staff Congress, the union for faculty and graduate employees at CUNY, is locked in a perpetual contract battle with CUNY, a famously public university. Dawson draws as many links as distinctions between the PSC-CUNY fight and GSOC's struggle for any contract at NYU, and in New York's competitive higher education market he finds local, national and global threats to economic justice and workplace democracy on campus. All of the contributors are searching for new tactics and better strategies for academic labor activists, by challenging what Dawson calls the "the ideology of scarcity" while analyzing the material conditions in which academic occupations and the working lives of students and teachers must be imagined and pursued.

After a transformative year at NYU, GSOC members are moving forward while looking back, and these essays are six attempts to help us learn from the strike. GSOC has produced this blend of reflection and analysis before. The first contract for graduate employees at NYU was recognized as a key moment for the academic labor movement, and the campaign that led to it was documented and analyzed by some of its leaders (Jessup 2003; Krupat and Tanenbaum 2002). Lisa Jessup, the lead UAW organizer on the GSOC organizing campaign, wrote an important and instructive chapter about "The Campaign for Union Rights at NYU," in which she "outline[s] how graduate workers at NYU fought for a union against many odds and won" (Jessup 2003: 145). The fight since then has not diminished GSOC's victory for academic labor, as evidenced by the continued union drives at Columbia, Yale, Penn and other private universities in the U.S.

The struggle now to keep the union is as necessary to document and to analyze as the drive that created it.

The articles collected in this special issue of Workplace present discrete analyses of the long NYU strike, out of which flow a wealth of original ideas about the future of academic organizing. Collectively the contributors open a new, needed space for discussion among academics about our working lives on campus. At NYU, our union and our university remain in turmoil. Still without recognition, GSOC continues to look for ways to promote justice and equity for students, teachers and employees at NYU. Written during a moment of adversity rather than triumph, the insights and spirit offered in this special issue of Workplace can help all of us find ways to improve our unions and our universities.¹⁰

Endnotes

¹ For press coverage of the strike, go to: <http://2110uaw.org/gsoc/press%20archive.htm>

² <http://www.facultydemocracy.org/about.html>

³ http://2110uaw.org/gsoc/NYU_2110_contract.pdf

⁴ See also Susan Valentine, “The University Strikes Back: Union Busting and Strike Breaking at NYU,” in Krause et al.

⁵ Brown University and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. UAW ALF-CIO, Petitioner. Case 1-RC-21368 July 13, 2004. 342 NLRB No. 42. p. 7

⁶ See Valentine in Krause et al. for more on the long, slow dance of “deflection, delay and disinformation” that preceded the formal withdrawal of recognition for GSOC.

⁷ Former NYU Executive Vice President Jacob Lew was Clinton’s Director of the Office of Management and Budget as well as a domestic policy advisor. Cheryl Mills, NYU’s Senior Vice-President and General Counsel, was more famously Clinton’s lawyer during his impeachment trial. Another prominent, and perhaps more influential, member of NYU’s “ULT” is Chairman of the Board of Trustees, Martin Lipton. Lipton is a famous mergers and acquisitions lawyer, whose credits include inventing the “poison pill” defense against hostile takeovers. Weeks before the expiration of GSOC’s first contract, Lew, Mills and Sexton made the UAW a “take it or leave it” offer for a second agreement that included several poison pills. An open letter from Alan Sokal, Professor of Physics at NYU, reviews the “offer” in detail: <http://facultydemocracy.org/somethoughts.html>

⁸ New York University and International Union, United Automobile, Aerospace and Agricultural Workers of America, AFL-CIO, Petitioner. Case 2-RC-22082. Oct. 31, 2000. 332 NLRB No. 111 p. 1206.

⁹ For accounts of how NYU promoted and profited from the end of open admissions at CUNY, see Nathan Glazer, “Facing Three Ways: City and University in New York State Since World War II,” in Thomas Bender, ed. *The University and the City: From Medieval Origins to the Present* (New York: Oxford UP, 1988), 267-291; and Ashley Dawson and Penny Lewis, “NYC: Academic Labor Town?” in Krause et al.

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