This newsletter theme issue focuses on unionization of graduate student assistants at institutions of higher education. The first article, "Graduate Assistants and Unionization" by Frank R. Annunziato, points out that more than 21,000 graduate student assistants at public sector colleges/universities are represented by unions in eight states. The National Labor Relations Board (NLRB) repeatedly ruled in the 1970s that graduate employees at private institutions are not eligible for coverage under the National Labor Relations Act (NLRA). In order for graduate assistants at private colleges to organize unions, the Federal Courts would have to overturn the NLRB, Congress would have to amend the NLRA to include graduate assistants as employees protected by the statute, or graduate assistants could seek voluntary recognition from their college and university administrations. The second article in the issue, "Making It Work: Scholarship, Employment and Power in the Academy" by Michele Janette and Tamara Joseph, describes efforts of graduate assistants in forming the Graduate Employees Student Organization (GESO) and attempting to win voluntary recognition from the Yale University (New Haven, Connecticut) administration. The GESO experience is offered as an imperfect but successful model for academic activism which has brought about changes in the material conditions of members' lives and in the self-conception of the university community. (JDD)
GRADUATE ASSISTANTS AND UNIONIZATION

Frank R. Annunziato
GRADUATE ASSISTANTS AND UNIONIZATION
Frank R. Annunziato

More than 21,000 graduate student assistants are now represented by unions in eight states. Graduate student assistants unions are limited to public sector colleges and universities, because the National Labor Relations Board repeatedly ruled in the 1970s that graduate employees at private institutions are not eligible for coverage under the National Labor Relations Act. Graduate student assistants at public colleges and universities have unionized in those states where labor legislation and/or state labor board decisions have granted them employee status.

NLRB SAYS NO TO PRIVATE SECTOR GRADUATE EMPLOYEE UNIONS

Since 1972, the National Labor Relations Board has rejected efforts of graduate assistants at private colleges and universities to organize unions. Adelphi University (New York) was the site of the first NLRB decision in this area. In Adelphi University 195 NLRB 639 (1972), the NLRB refused to include 125 graduate research and teaching assistants in a faculty bargaining unit at Adelphi. The Board stated that graduate teaching and research assistants are primarily students and do not have a sufficient community of interest with regular faculty to warrant inclusion in their unit. It is historically interesting to point out that in Adelphi the University administration sought to include the research and teaching assistants in the faculty unit, while the faculty union sought their exclusion. In the same year, the NLRB ruled that teaching assistants could not be included in a bargaining unit of full-and part-time faculty members in its New York City's College of Pharmaceutical Sciences 197 NLRB 959 (1972) decision. In a third student employment case from 1972, the Board refused to allow the inclusion of part-time student employees in an established bargaining unit of service and maintenance workers since the student workers "have many facts peculiar to themselves and do not have a community of interest with other regular part-time employees" President and Directors Georgetown College for Georgetown University 200 NLRB 14 (1972).

In 1973, the NLRB excluded student employees from a bargaining unit of dining hall employees at Cornell University, because the student workers were hired in a different manner (Cornell University 202 NLRB 290). In the same year, in its Barnard College 204 NLRB 155 (1973) decision the NLRB excluded student workers from a unit of clerical employees and other non-professional administrative employees at Barnard College, because they did not share a sufficient community of interest.

These 1972 and 1973 NLRB cases established the principle that graduate and undergraduate students at private sector institutions could not be included in bargaining units of other non-student employees, because of a lack of a sufficient community of interest. In Adelphi, the Board also stated that graduate assistants were "primarily" students and not employees. However, the question remained whether graduate student employees at private colleges and universities could organize their own bargaining units, that is, bargaining units composed exclusively of graduate student workers. The NLRB resolved this question in 1974 in a decision involving Stanford University (The Leland Stanford, Jr. University and the Stanford Union of Research Physicists 214 NLRB 82). Here, the NLRB ruled unanimously that graduate research assistants are not eligible for collective bargaining, because they are primarily students, not employees, and therefore not protected by the provisions of the National Labor Relations Act. A local organization of research assistants at Stanford University's Physics Department, the Stanford University Union of Research Physicists, sought a representational election under the aegis of the

**TABLE OF CONTENTS**

Graduate Assistants and Unionization .................. 1

Making it Work: Scholarship, Employment and Power in the Academy .................. 4
NLRB for 83 research assistants. The union argued that the graduate research assistants were employees, because they were paid through Stanford's normal payroll procedures. The NLRB did not buy this argument and noted that the assistants' work was required as part of their Ph.D. programs. The Board also pointed out that "payments" made to the research assistants are "significantly tax exempt." This case established a clear and powerful precedent that graduate student assistants at private institutions are not employees, as that term is interpreted by the National Labor Relations Board, but are "primarily" students.

After Stanford, the NLRB went even further in excluding students at private universities from protection under the NLRA. In 1974, the Board ruled that Fairfield University (CT) students employed by a private vendor at the university's dinning halls were ineligible for collective bargaining (Macke Co. 211 NLRB 17). Also in 1974, the NLRB made a similar decision involving part-time students employed by a private vendor in a dormitory complex at a University of California at Davis (Saga Food Service of California 212 NLRB 113).

In 1976, in a case involving the San Francisco Art Institute the NLRB said that a bargaining unit limited to student janitorial employees is inappropriate for bargaining since student employees lack sufficient interest in their conditions of employment to warrant representation. In this decision, the NLRB refused to allow the part-time student janitors to form their own bargaining unit or to become part of a bargaining unit of full-and part-time non-student employees (San Francisco Art Institute 226 NLRB 1251).

These 1970s NLRB decisions have all but stopped further unionization of graduate employees at private colleges and universities. The Board's reasoning that graduate assistants are primarily students and not employees has not been successfully challenged in the courts. If graduate assistants are to organize unions in the future, one of two things must happen. First, the Federal Courts could overturn the NLRB in its unwillingness to grant employee status to graduate assistants. Secondly, Congress could amend the National Labor Relations Act to include graduate assistants as employees protected by the statute. Prior to either of these events happening, however (and they are both highly unlikely) graduate assistants could seek voluntary recognition from their college and university administrations. The NLRB has never ruled that it is illegal for graduate assistants to organize into collective bargaining units; it has merely stated that they are not employees as defined by the National Labor Relations Act and do not share a sufficient community of interest with faculty to be included in their bargaining units. There is a concrete case study at Yale University of a graduate employee union fighting to achieve collective bargaining rights without the protections of the NLRB.

In the late 1980s, the graduate assistants at Yale University formed the Graduate Employees Student Organization (GESO) in response to severe budget and academic cut-backs proposed by the Yale administration, and affiliated with the Hotel Employees and Restaurant Employees Union, AFL-CIO. GESO at Yale has waged an almost five year struggle to win voluntary recognition from the Yale administration. Since Yale had already indicated that it would oppose any efforts to impose an NLRB election, GESO has fought an academic guerrilla war, including a brief strike, to accomplish its goals. Two of the leaders of GESO, Michele Janette and Tamara Joseph, tell the story of their union struggles at Yale later in this newsletter.

SUCESSES IN THE PUBLIC SECTOR

The three national academic unions, the AAUP, the AFT, and the NEA have all organized graduate assistants at public sector colleges and universities. The AAUP, or one of its affiliates, is the bargaining agent for the graduate employees at Rutgers University of New Jersey, where they are part of the faculty collective bargaining agreement. Rutgers is the only example of graduate student assistants' inclusion in the faculty contract. In all other collective bargaining situations, graduate student assistants have established their own bargaining agents. The AAUP represents 1,599 graduate student assistants.

The AFT, or one of its affiliates, is the bargaining agent for graduate student assistants at the University of Michigan, the University of Oregon, the University of Wisconsin-Madison, and the University of Wisconsin-Milwaukee. The AFT, with 5,853 graduate student assistants, represents the largest number of these student/employees.

The NEA, or one of its affiliates, is the bargaining agent for graduate student assistants at the University of Florida and the University of South Florida. The NEA represents 3,650 graduate student assistants.

Other national unions have also successfully organized graduate student assistants. The United Auto Workers (UAW), or one of its affiliates, is the bargaining agent for graduate student teaching and
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research assistants at the University of Berkeley and the University of Massachusetts-Amherst. The UAW represents 2,700 graduate student employees. In addition, on May 9, 1994 an UAW affiliate won a Massachusetts State Relations Commission election, 147-33, to represent the graduate student assistants at the University of Massachusetts-Lowell.

The Communications Workers of America (CWA), or one of its affiliates, is the bargaining agent for graduate student teaching and research assistants at the State University of New York. The CWA represents 3,000 graduate student employees.

COALITION OF GRADUATE EMPLOYEE UNIONS

In August, 1993 graduate assistant union representative from throughout the United States and Canada held a four-day meeting which they called a "Conference of the Coalition of Graduate Employees Unions" at the University of Michigan, Ann Arbor.

MAKING IT WORK: SCHOLARSHIP, EMPLOYMENT AND POWER IN THE ACADEMY

Michele Janette and Tamara Joseph
Yale University

Yale, America's third wealthiest university, is in New Haven, America's seventh poorest city. Since Yale is New Haven's second largest employer, the town/gown division is also an employer/worker division. The Yale administration has long defined the "Yale Community" as those who live and study within its walls and gates: students and faculty. According to this definition, the three thousand New Haven residents employed by the university who provide clerical, technical, custodial and maintenance services are neither members of the Yale community nor essential to it. The Yale administration has repeatedly insisted that in the event of a strike by these workers, the university's essential academic activities "business as usual" would be unaffected. This claim depends on an absolute distinction between Yale's academic functions and its role as an employer. GESO, a student and employee union, is founded on a refusal to define our position in the university as divided. We have located ourselves in the gap between some dearly held oppositions; between employer and employee, between intellectual and manual labor, between professional and 'working' classes, between students and teachers, between Yale and New Haven, between essential and inessential work.

We hope in this paper to describe the consequences that such a positioning has had in our formation -- how we have negotiated the combination of student and worker issues in our union and how GESO's alliance with other campus unions has strengthened and informed our organization. We hope further to suggest that the effort to create a union for graduate students and employees has necessarily led us to examine and challenge some of the university's inherent values.

The structures of graduate study tend to define us as individuals rather than constituting a basis for community. Isolation and an emphasis on individual identity and endeavor are prominent features of graduate existence. Pursuing our individual research projects, divided into different departments, and lacking the physical and social presence on campus which serves to define the undergraduate community, if we are to function as a community we must make a deliberate act of choice to do so.

But upon what basis do we choose this community? Graduate student identity differs from many of the categories which have formed the basis for other kinds of identity politics. Unlike race and gender
identities, for example, the category 'graduate student' is not easily essentialized or naturalized. We inhabit our identity as graduate students temporarily and not, we hope, for life. Moreover, our professional identity is ambiguous and conflicted. We are teachers, writers, and researchers, doing the same work as faculty, but we are not professional academics. We are both students and teachers, producers and consumers in an academic environment. We are students all the time, teachers and employees only some of the time. Our collective identity is constituted by a shared structural relationship to an institution and a common set of practices, occupations, and experiences.

The Twenty-Second Annual Conference of the National Center, April 18-19, 1994, addresses the question of how academic unions can or should respond to changes in the academy and especially to new political pressures and fiscal constraints. It was precisely such changes in the conditions of our lives that first led us to identify ourselves as a group. In the late '80s Yale implemented a series of new policies which reduced teaching opportunities, increased individual teaching loads, and established new rigid and arbitrary time-to-degree requirements. These changes were ostensibly designed to help graduate students to complete their degrees more quickly, but were informed by a desire to lead a national trend in the nature of graduate study and by a view of graduate students a mercenary malingerers.

At the same time, Yale developed a much vaunted, entirely fictional, and now forgotten "fiscal crisis," which was used both to intimidate Yale's unionized employees as they renegotiated their contracts amidst a spate of lay-offs and to justify a plan to "restructure" the university, a down-sizing of Yale that would eliminate, among other things, the entire departments of linguistics, sociology, and mechanical engineering. Both faculty and students felt that the recommendations of the Restructuring Committee, which were reached almost entirely without consultation, were inadequately justified and politically motivated. Graduate students perceived proposals to shrink the university, section size increases, a 25 percent decrease in the TA budget, cuts in library hours and services, and administrators' public statements on the uselessness of the humanities as various symptoms of a refashioning of the university which prioritized efficiency over complexity of academic inquiry, and profit over the material support of the people who conduct that inquiry.

As graduate students came together to fight the changes in our working conditions, we shared information, for example about our teaching experiences or our financial aid packages, and it became apparent that many situations which had previously seemed to be unique to or the fault of particular individuals were actually the result of systemic injustices. Experiences and even emotions which seemed intensely personal had a collective and political dimension and were amenable to change at the collective level.

Students had perceived and treated the level of financial support they received as indicative of their value as scholars, and thus many kept their low level of support a secret. When students in the English Department made a conscious decision to share this information, many were surprised to discover that they were not uniquely underfunded in a department of highly valued scholars, but that there was a widespread and arbitrary dispersion of poverty. Low levels of support were not badges of individual inadequacy and shame, but instances of a common and general poverty resulting from the low valuation placed on graduate study as such.

Excessive teaching loads were another example of apparently personal difficulties which were revealed to be systemic. Graduate students were often asked to teach "a few extra" students as a personal favor to a professor, or as an odd sort of compliment, as if the assignment of extra work was a sign of respect for our competence. Because this increase in the teaching load happened in the independent, informal, unrecorded realm of individual courses, it again seemed an issue between individuals, a voluntary commitment made by single TA's, which they honored as a compact between themselves and their professors, and to which they had agreed. Again, as a collective we were able to see that the university in fact relies on the constant compacting between TA's and professors, which taken as a whole is not "a few extra students" but an enormous percentage of teaching that the university receives gratis. Our extra work was not an individual favor or mark of super efficiency, but a constant factor in the functioning of the university, whereby the slippage between what the university claimed to be doing in job descriptions, wage scales, or promotional literature and what the university practiced in job allocations, growing class sizes, and hourly compensations was rendered invisible, swallowed up in the "generosity" of graduate students who continued to give of ourselves. Collective action has meant publicly reclaiming our own sense of value, and requiring the university to take responsibility for unfair compensation practices.

Our fight with Yale has been a fight about what we are worth. As graduate students at Yale, we occupy a position of social and educational privilege. Despite
Our apparent position of cultural and economic power, however, we work full-time without making enough to live on. Graduate students acutely face the question which bedevils all academics, "What is the value of academic labor?" The fact is that it is extremely difficult to convince anyone that we and the work that we do have any value at all. We know that we work hard, and we believe that our work is valuable, although it is not in an obvious sense productive. How do we argue, however, that it is valuable to someone else, to the extent that they should pay for it?

The attempt to make the university recognize the value of our work has led us to interrogate the different values given to different kinds of work, for example to literary criticism, scientific research, university teaching, union organizing and manual labor. We began by seeking to de-mystify teaching, and insisting that it was not a sacred duty of ineffable value, but an activity which could be measured and described in the language of a job description. However, the very process of organizing for a strike led us to reclaim some of that mystification as we argued for the exceptional value of the labor to our own and to undergraduate experiences, the terms of debate shifted from quantifying our teaching as work to investing our teaching with meaning. We argued that class sizes and wages were important not only because they represented labor but because they made it possible to teach well. The question of whether our teaching was valuable enough to the university to pay for it became a question of whether it was valuable enough to us to strike for it.

The attempt to define teaching as our most concretely productive work also had the curious effect of devaluing our private research. The academic research of TA's in the humanities and social sciences, unlike the research of graduate students in the sciences and unlike the research of faculty in the humanities and social sciences, is not considered to be productive work that merits remuneration, but something more like recreation, self-indulgent self-development, or the acquisition of cultural capital or professional training which, like virtue, is its own reward. For graduate student teachers to define themselves as university employees may have been a radical assault on the distinction between the 'real mission' of the university and the 'inessential' work of its employees, but it conceded a distinction between our academic research and 'real' work with a market value, like teaching, intensifying the struggle to valorize the academic work that we do.

Our union was formed at a moment when Yale was grappling with such issues of value, not just in terms of the value of our labor, but in the context of reshaping what a university is and what graduate education is. GESO addresses these issues as both employees and students. Our platform includes improvements in library access, health care coverage, registration and grievance procedures, as well as job descriptions, wages, and contracts. Our mission statements are broad, encompassing our different relationships to the university, and allowing us to engage the university's roles as employer, place of learning, and "corporate citizen." It is because we care about what kind of university Yale will be, about what the future terms of graduate study in our university will be, about what kind of community Yale will create for all its employees and students, and about what kind of role it will play in the city of New Haven, that we have decided to form a union.

Precisely because this is perceived to be a moment of crisis, or at least of change, in higher education, we feel that graduate students need an institutionally recognized structure of participation in university decision-making. Yale's model of governance is profoundly anti-democratic, but also institutionalizes many of the values of the academy. Liberal academia places a high value on original, individual, and specialized thought and expertise, a value which we share. This often seems to lead, however, to a sense that democratically achieved decisions are necessarily inferior to decisions made by experts. Any form of collectivity or standardization is perceived as a threat to this highly valued individuality, or as providing crude blanket panaceas inappropriate to individual concerns. Yale's custodial model of governance is based on these suspicions. It entrusts the running of Yale to individual deans. It is characterized by unwritten and therefore malleable rules and a reliance upon individual personal relationships. This vision of academic community appears to liberate scholars from the arduous business of governance, leaving them free to pursue their academic research. In practice, however, this model produces a dictatorship only sporadically benevolent. Flexible rules mean that policies can be changed midstream and without consultation. Unwritten agreements mean no guarantees. Reliance on personal relationships creates an infantilizing sense of dependency. An emphasis on individuality means that students feel personally responsible for being underpaid and undervalued.

We have espoused the university's ideals of academic excellence and intellectual freedom, and at the same time insisted on a definition of those terms very different from the university's. As the institution has argued for a structure of centralized control, private
negotiation, and unwritten understandings to achieve these ideals, GESO has insisted that the same goals would be better achieved through collective bargaining, contractual agreements, and self-governance. The union model combines the principles of participation, power, and accountability we deem important not only as a means of getting the administration's attention, but as the underlying principles which should inform Yale's future shaping.

Our faculty had disappointingly little to teach us about alternative models of successful participation in university governance. Although some claimed that the faculty exercised enormous indirect influence, most faculty members simply told us that since the faculty had no power, graduate students should content themselves with none as well. In this context, Yale's existing labor unions became our teachers and mentors, advising, counselling and supporting our organizing efforts. From them we learned models of communication, responsibility, community building, leadership, and practical democracy.

Local 34, Yale's clerical and technical workers union, structured itself around existing connections between members, rather than around central convenience. Union leaders recruited from the membership a large number of "organizers" who would have frequent and informal discussions with the members they worked with, discovering their concerns and needs. The organizers then met together to develop goals and strategies from their constituents' ideas, always in contact with members as these strategies took shape. Since success depended on widespread participation, organizers sought to be as inclusive as possible in planning actions as well as in carrying them out. So organizers were recruited not only according to location of workplace, for example, but to reflect networks of friendship, religion, community, ethnic background, and any other connection organizers could find to encourage members to feel that the union was indeed their organization, and honestly reflected their concerns. The resulting solidarity, trust, and participation of local 34 members made their union a national model.

GESO organized itself similarly, seeking organizers in academic departments, minority and international student associations, dorms, laboratories, and student-run organizations. We sought a ratio of one organizer for every five members to ensure that substantial and frequent conversations could take place. As it became apparent that this would produce an unwieldy committee for strategizing, we developed the coordinating committee, with each coordinator representing and responsible to 5-10 organizers. This committee compares concerns from different areas of campus and develops overall strategies.

GESO has exposed and challenged the university's institutionalized assault on democratic principles by engaging in active and practical democracy, creating and proving the value of democratic power structures both within the university and within our own organization. In practical terms, we interpret democracy as meaning the distribution of power amongst the largest possible number of people. Democracy, as GESO enacts it, is not simply a question of representation for two reasons. First, because having our concerns articulated is not enough -- however much we say why we deserve better conditions in which to work and study, that expression alone does not get anything changed. And secondly because representative models of democracy necessarily imply the delegation of power and responsibility -- that once you have cast your vote for your representative, you can then return to your daily life and assume that your representative will take care of things for you. Democracy for us has meant forging a community which has shared goals and understandings, and mobilizing that community to act collectively. In GESO, democracy means participating in shaping our organization and acting to achieve our common goals. GESO has demonstrated that by acting collectively, we can take power from the university administration and transfer it to the graduate community.

The alliance between GESO and the two existing unions of clerical and technical (Local 34), and service and maintenance workers (Local 35) has achieved much in its four years. Both unions won unexpectedly good contract settlements two years ago. GESO, while still officially unrecognized, has made many gains, including student participation on the Graduate School Executive Committee, the repeal of rigid restrictions on degree progress, extended library privileges, reduced class sizes, a paid teacher training program run by graduate students, and a 28% salary raise for the most common teaching appointment. It has not only created an active and powerful graduate student community, but has also transformed the way many of us understand our place in the broader communities of Yale and New Haven.

By assuming the right of Yale's employees to make the university itself an object of critical evaluation, the tri-local alliance also reserves a long history in which New Haven's urban problems have served as case studies for Yale academics. We have argued that Yale's employees have a better theoretical and practical
understanding of the university as an institution than its faculty and administration, and that they have something to teach the rest of the community, particularly about democratic participation in a university setting.

We are, we admit, particularly proud of our alliance with the other two local unions on our campus, an alliance which is unique among graduate student unions. It is quite literally, one of our greatest sources of strength, not only in terms of advice, experience, and resources, but in the fact that the allied graduate students, groundskeepers, dining hall workers, maintenance staff, office staff, and technical assistants could without question stop the university from functioning. It is a solidarity which impacts every aspect of university life: teaching, studying, eating, communicating, staying warm, and getting home safely. The invisible web connecting these aspects of campus is rendered visible through the tri-local alliance. As exciting as the power and leverage this gives us is the conceptual impact the alliance has on the way we perceive Yale. The cooperation between the three unions has permanently breached some of the visible barriers of class, race, and gender between the different groups of employees on campus. Like the GESO community, the tri-local community is not based solely on ideas, but on the physical reality of having marched and yelled together, of learning the names of people whom we have learned not to see, of developing strategies together, and of knowing we are willing to take risks for one another.

When Local 35, a union predominantly made up of African-American and Italian-American men, worked to organize Local 34, made up mostly of mentors for unionizing graduate students, the hierarchy of cultural capital was reversed. This connection bridged a chasm the university administration had long insisted upon: the gap between the "essential," academic functions of the university, and the simply "supportive" services other workers provide. Such a conjunction challenges the validity either of substituting cultural capital for the material compensation of graduate student teachers, or of supposing that "workers" had no connection to the educational mission of the university. The tri-local alliance allows us to talk very concretely about universities as institutions in a community, forcing us to think about being an academic in a more socially responsible and interconnected way.

To sum up, we have tried to flesh out what GESO is and where it came from, but frankly, it is all on the membership card. In signing the membership card, each member of GESO makes a commitment:

1. To protect, promote and advance the interests of graduate students at Yale University, and to uphold the dignity of our work and scholarship. To ensure that the university provides the resources and services necessary to our work. To ensure the continued excellence teaching and research at Yale.

2. To ensure that graduate students have an active role in the university's decision-making processes that affect graduate student life.

3. To maintain the vision, leadership, and organization necessary to be an effective, democratic and united organization.

4. To inform a union in affiliation with Locals 34 and 35, Federation of University Employees, affiliated with the Hotel Employees International Union.

5. To join with other students, faculty and workers at Yale, and with the greater New Haven community, to promote justice at Yale and to encourage the university to be a good citizen of the community.

6. To fight against racism, sexism, homophobia and other forms of discrimination at Yale University.

The conditions of graduate study place graduate students in a vice between the ideals of academic excellence and the material reality which fails to support such ideals. We offer GESO as one imperfect but successful model for academic activism, one which despite failures and flaws has brought about changes in the material conditions of our lives and in the self-conception of the university community.