

AAUP

American Association of University Professors

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Senator Charles E. Schumer
757 Third Ave.
Suite 17-02
New York, NY 10017

Dear Senator Schumer:

We are writing today on behalf of the American Association of University Professors (AAUP) to ask that you support the graduate student employees at New York University (NYU) in their call for union recognition.

At a time when political forces across the country would like nothing more than to do away with labor protections for America's workers, the AAUP finds it especially disturbing that an institution like New York University has decided to actively work against the unionization efforts of its employees. After an overwhelming vote by graduate student employees for union representation, the Graduate Student Organizing Committee (GSOC) was granted legal recognition by the National Labor Relations Board (NLRB) in 2001 and, in 2002, won the first contract for graduate assistants at a private university. The decision to recognize the bargaining rights of graduate employees at private universities was overturned, however, by new federal appointees to the NLRB in 2004. This decision reflects a disturbing trend by the NLRB to overturn the broader collective bargaining rights of university employees. The NLRB decision, however, does not preclude the NYU administration from recognizing the graduate employee union, and the overwhelming decision by GSOC members for a strike (beginning November 9th) was motivated, in large part, by the failure by the NYU administration to move from its choice not to re-recognize the union.

The AAUP has held for almost a decade that graduate student assistants, like other university employees, should have rights and protections afforded by the ability to negotiate the terms and conditions of their employment through union representation. Our support for graduate student employee rights reflects our awareness of the changing face of higher education. Over the past ten years, the academic community has witnessed shrinking university commitment to its tenured professors, replaced by a growing reliance on untenured faculty and graduate student employees to conduct the bulk of university teaching and research. The AAUP is committed to supporting those academic employees who increasingly do a major portion of the university's work, but who are often an exploited and underpaid workforce.

AAUP first entered the field of faculty collective bargaining in the early 1970s. The Association "affirms that faculties at both public and private institutions are entitled, as professionals, to choose by an election or comparable informal means to engage in collective bargaining in order to ensure effective faculty governance." We recognize that "Trustees and administrators are of course free publicly to question the desirability of collective bargaining, but they should not resort to litigation or other means having the purpose or effect of restraining or coercing the faculty in its choice of collective bargaining. Where a faculty chooses collective

bargaining, the trustees and administration have a corresponding obligation to bargain in good faith with the faculty-selected representative and should not resort to litigation or any other means intended to avoid this obligation.” [From the AAUP *Statement on Collective Bargaining*.] In the late 1990s the Association formally extended recognition of these rights to graduate students, arguing that “graduate student assistants, like other campus employees, should have the right to organize to bargain collectively. Where state legislation permits, administrations should honor a majority request for union representation. Graduate student assistants must not suffer retaliation from professors or administrators because of their activity relating to collective bargaining.” [From the AAUP *Statement on Graduate Students*.] The actions of the NYU administration do not comport with these standards.

Moreover, AAUP support of the rights of graduate student employees to collectively bargain the terms and conditions of their employment stems from our longstanding commitment to academic freedom, the applicable tenets of which are set forth in the 1940 Statement of Principles on Academic Freedom and Tenure. That document was issued jointly by the AAUP and the Association of American Colleges and Universities and has received the endorsement of more than 180 educational associations and professional societies. Without the protection of tenure, the ability to negotiate the terms and conditions of employment is the only legally-binding recourse available to many university employees. It is crucial in this era of university corporatization and bottom-line thinking that we support the legitimate rights of all academic workers. Only then can we effectively protect the academy from attacks on academic freedom. *Please join us in vocally supporting graduate student employees at NYU as they seek to maintain their right to union representation.*

Sincerely yours,

Mark F. Smith
Director of Government Relations

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Kathleen Hull, Co-Chair, NYU-AAUP
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