

## What Do Graduate Employee Unions Have to Do with Academic Freedom?

Michael Verderame

Only a minority of graduate employees in the United States have collective bargaining representation, and for that lucky minority, collective bargaining agreements rarely contain explicit protections for academic freedom. Existing contract language at strong and long-established unions such as my own provides due process protections and guarantees against arbitrary termination; these protections, however, fall very short of securing genuine academic freedom. Graduate employee unions have reasonably focused on economic priorities to ensure continued access to graduate education: improved stipends, health care, and childcare, and security for tuition waivers. However, as academic freedom and shared governance increasingly face renewed challenges from the corporate university, the need to secure academic freedom protections in a binding labor contract has never been more pressing.

Because of our unique position, I'd argue that graduate employees are the most fruitful site for efforts to organize around academic freedom, as a first step towards the goal of securing

meaningful academic freedom for the entire higher education teaching corps. Tenured and tenure-stream faculty have all too often trusted in institutional governance and faculty handbooks as sufficient to protect academic freedom, while the precarious nature of contingent employment means that many non-tenure-stream faculty are quite reasonably afraid to demand protections for their academic freedom. Ironically, because of our peculiar status as simultaneously privileged and disempowered, graduate students are uniquely well-positioned to be on the cutting edge of the battle to secure academic freedom. Victories for graduate employees can translate into victories for all sectors of the academy.

### **What Should Graduate Student Academic Freedom Look Like?**

AAUP policy statements on graduate students and academic freedom provide as good a starting place as anywhere else for developing contract language. The 2009 proposed changes to the language on graduate employees in the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* would provide a general umbrella of protection, noting that "adequate cause for dismissal will be related, directly and substantially, to the fitness of graduate student employees in their professional capacity regarding teaching and research. Dismissal will not be used to restrain graduate student employees in their exercise of academic freedom or constitutional rights."<sup>1</sup> Language like this provides a good baseline, since academic freedom means different things in different contexts and to different audiences. Almost all authorities agree that academic freedom in matters of one's own individual research means something quite different for graduate students than it does for professors. There will also be disagreements about the nature of academic freedom of graduate students as teachers, whether as principal instructors or as teaching assistants in classes taught by faculty.

And of course, there is a whole range of graduate employment beyond teaching. Graduate students work as research assistants, program administrators, lab tutors and consultants, journal and university press assistant editors, office assistants, apprentice librarians, and hospital clinicians, among other categories of employment. It will be challenging to design

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language that protects the principle of academic freedom for all graduate employees while also respecting the differences between different categories of academic employment.

Good academic freedom language needs to go beyond just protections against arbitrary dismissal (already found in many grad union contracts). There are many ways for administrators to undermine academic freedom short of dismissing people unlawfully, such as interfering with course content or providing unfavorable teaching assignments to instructors they deem politically problematic.

One possibility (found, for instance, in the Rutgers joint faculty/graduate student contract<sup>iii</sup>) is simply to incorporate the university's academic freedom regulations into the contract. And that's definitely a good approach to take. If there is good academic freedom language in university governance documents, codifying that language in a legally binding contract provides an additional level of protection. Explicitly clarifying that faculty handbook protections apply to all instructors, including graduate students, should be a goal. Using the university's own documents is also a very effective tool at the level of organizing. Once an administration has publicly committed to principles of academic freedom in its own governance documents, it's easy to paint the administration as disingenuous and up to no good if it refuses to codify those same principles in a collective bargaining agreement. Of course, this approach depends on having good institutional academic freedom language in the first place. More often grad unions will be faced with having to draft language from scratch, or to tease out what elements of faculty handbook language are also applicable to graduate students. Different unions will come up with different proposals, but in my view any language adopted should provide meaningful protection to graduate students in the three key aspects of academic freedom as traditionally understood in the profession: research, teaching, and extramural speech.

## **Obstacles to Securing Academic Freedom**

The most pressing challenge unions face in bargaining is the increasingly antagonistic posture of university administrators towards the rights and interests of their graduate students. As universities seek to cut and streamline their educational units (often while expanding administrative salaries and funding for corporate partnerships), graduate students are a tempting target, with our lack of political clout and the promise of untapped revenue if only those pesky tuition waivers could be disposed of. In a climate that administrators obviously believe is in their favor, even nonmonetary proposals by grad unions are likely to be met with fierce resistance. From the viewpoint of neoliberal university administrators, academic freedom for any employee is undesirable, because it undermines management's desire for a completely flexible, interchangeable, and disposable work force. Administrative resistance can only be overcome through dedicated and sustained organizing, building solidarity with students and workers across campus, and ultimately with the credible threat (or the actuality) of a labor stoppage.

Another issue to be considered is resistance from the tenured and tenure-stream faculty. Even the best organized graduate union faces an uphill battle every time it negotiates a contract, and for that reason faculty support is crucial. Often some of the very faculty members who are extremely and vociferously supportive of graduate employees in their quest for better wages, health care, childcare, and parental leave change their tune when issues of academic freedom or participation in departmental and university governance arise. To overcome that faculty resistance we need to persuade faculty that our academic freedom is not only essential in principle to the mission of the university, but that we are also in many respects the canaries in the coal mine. The most significant challenge to academic freedom we face is not attacks from the Far Right—David Horowitz and his ilk. It is from a neoliberal university for which anything that can't be rationalized in a financial bottom line is disposable. The threats to our academic freedom may be trial runs for what the corporate university has for all its faculty.

Of course, even faculty who agree in principle with academic freedom for graduate students may not agree with the vision of that academic freedom outlined in the AAUP draft proposals.

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Faculty will have concerns, sometimes legitimate and sometimes not, that graduate student claims for academic freedom could imperil their own academic freedom. Obviously graduate student academic freedom should not imply restrictions on professors' judgment in supervising and evaluating graduate student research, or on the ability of departments to award fellowships and teaching assignments based upon academic progress and achievement. Yet competing claims of academic freedom among graduate students, individual professors, and the department as a collective entity will often arise when graduate students are teaching multi-sectional courses, or are serving as teaching assistants under faculty supervision. Some faculty, fearful of seeing their own academic freedom as supervisors and advisors eroded, may see collective bargaining as too blunt an instrument to deal with such complex and nuanced concerns. In the end, though, I believe most faculty will agree that in many respects their interests in the long run correspond with those of the graduate students they supervise, particularly when graduate employees engage in a sustained and respectful dialogue with faculty about their concerns.

Perhaps surprisingly, an additional source of resistance will be some graduate employees themselves. For the great number of graduate employees who are deep in debt or who have difficulty paying rent and required fees, academic freedom can seem like an abstraction compared to the basic economic needs of graduate employees such as health care, adequate stipends, childcare, and tuition waiver security, especially for those employees whose academic freedom has never been threatened. Differences in departmental and disciplinary cultures might mean that some graduate students have radically different conceptions of the scope of academic freedom, or even on the question of whether graduate students possess academic freedom at all. Other students may detect racial or gender privilege in the rights-based liberalism of "academic freedom," despite the fact that students of color and those doing critical work around issues of race, gender, and empire are among the most likely to be targeted by overzealous administrators, and thus the most likely to be in need of protection.

If we are serious about securing our academic freedom, we need to be forceful, clear, and articulate about why academic freedom matters, in the twenty-first-century university more than ever before. The ability to teach in accordance with our own professional judgment, to pursue our research interests, and to publish our findings and arguments without fear of reprisal is at the core of the work of the university. As tenure-line hiring recedes, and wages and benefits along with it, that freedom is one of the few remaining incentives for bright young people to undertake the demanding, time-consuming, stressful, and costly route of graduate study. If we are willing to give it up, even only (for now) in the “apprenticeship” stage of our careers, we are acquiescing in a structure that is stripping away everything that once made higher education a desirable and rewarding career. We would really be giving up on the mission of the university as it has historically been understood.

### **Tools for Organizing and Advocacy**

The final step is the difficult work of negotiation and public advocacy. We can draft the most ironclad language imaginable, but it does us no good if we lack the political pressure to actually get it into a collective bargaining agreement. How do we start to build support for our demands for academic freedom? There is no easy answer, but I do have a couple of preliminary thoughts.

First, graduate employee unions need to move beyond a purely economic model of organizing inherited from industrial unionism. Our unions need to recognize the peculiar status of academic employment and need to capitalize on the long history of seeing academic freedom as central to the research and educational mission of the university. Academic freedom is not a property right or an individual entitlement of a particular professor; rather, it is descriptive of the very nature of what a university is, a precondition for it to do what it’s supposed to do.

Secondly, as loathsome as many may find it, it may be effective in some cases to trade on the corporate university’s individual-consumer model. Undergraduate learning outcomes are best, we can argue, when instructors have the ability to test ideas. And our best spokespeople on this point are our own undergraduate students. If your campus does not have an Undergraduate-

Graduate Alliance, it might be a good idea to organize one. We can educate our students about the importance of academic freedom, and encourage them to voice their concerns to administrators. In my experience speaking to my own students, most of them understand, without needing to be told, that their instructors need the ability to try new techniques and test out controversial ideas without fear of reprisals.

Minor shifts in a union's rhetorical stance can result in dramatic changes in bargaining position. One thing that the leadership of our union (the Graduate Employees Organization at the University of Illinois at Urbana-Champaign) did very effectively in our fall 2009 strike was to foreground our subject-positions as students as well as employees, and to connect our struggle to the larger battle for affordable and accessible public education at both the undergraduate and graduate levels. One advantage that we have, compared to building service workers, librarians, and contingent faculty, is that we are students of the university—we are not just employees, but are also among the people the university is expected to serve. Graduate employee unions have so long been focused on establishing our positionality as employees and not merely students that we have occasionally lost sight of the rights and rhetorical power associated with our status as students. But that needs to be central to our arguments. A university that mistreats its graduate employees is not only a socially irresponsible employer; it is failing in its mission as a university because it is failing to educate its students effectively. And refusing to give graduate students the freedom to develop as scholars and educators, to test ideas and techniques, and to risk making mistakes is educational malpractice.

These are just a few general ideas. The graduate employee union movement has produced thousands of dedicated, passionate, and creative scholar-teacher-activists who are all capable of contributing new strategies for securing academic freedom in the years to come. The key point is that our unions should begin to include academic freedom alongside more traditional bread-and-butter concerns as a key issue in organizing and contract campaigns, since in the end the two are interdependent.

Of course, even if every graduate employee union in the United States won rock-solid language on academic freedom tomorrow, the majority of graduate students would still have no legal protection against encroachments upon their academic freedom. Most graduate employees, including those at all private universities and at most public campuses in “right-to-work” states, still lack collective bargaining representation. Unions certainly cannot be the **only** site for activism. Groups like the AAUP, the disciplinary organizations, and local campus faculty and graduate student associations all need to collaborate to educate administrators and the general public about the importance of academic freedom. However, because of their legal status as collective bargaining agents, unions can exercise leverage in ways that other organizations cannot. Moreover, when unions secure victories, those victories improve working conditions for all employees, unionized and nonunionized alike. Every contract that secures meaningful academic freedom protection helps to solidify those principles as normative and inherent to higher education. Graduate students at nonunion campuses can use other campuses’ contracts as leverage to demand the same protections as their unionized peers.

Academic freedom will not be secured without a protracted and difficult fight. In the end we need more conversations across American campuses and more building of solidarity for academic freedom for all academic workers, from Ivy League schools to community colleges, at union and nonunion campuses, and from endowed chairs to graduate students and instructors on one-year contracts. A victory anywhere is a victory for all of us, but correspondingly, each time academic freedom is eroded somewhere it is imperiled for all of us as well.

*Michael Verderame is a PhD candidate in English at the University of Illinois at Urbana-Champaign, concentrating on eighteenth- and nineteenth-century British literature.*

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<sup>i</sup> AAUP, *Graduate Student Employees* (2009), <http://www.aaup.org/AAUP/comm/rep/A/gradrir14.htm>.

<sup>ii</sup> *Agreement between Rutgers, The State University of New Jersey and Rutgers Council of AAUP Chapters, American Association of University Professors-American Federation of Teachers, AFL-CIO, July 1, 2007–June 30, 2011*, [www.rutgersaaup.org/contract/FT\\_Agreement\\_2007-2011.pdf](http://www.rutgersaaup.org/contract/FT_Agreement_2007-2011.pdf).