

## GSOC Strike

### **The NYU Decision and the First Contract**

On October 31, 2000, in a unanimous, bipartisan decision involving NYU graduate teachers, the National Labor Relations Board ruled that graduate teaching assistants are employees. The Board rejected the claim that the graduate teachers, who tutor, teach recitation sections, teach language courses and grade exams and papers, were akin to disabled clients in a rehabilitation program.<sup>1</sup>

In March 2001, NYU became the first private university in the United States to recognize a union of their graduate teachers.<sup>2</sup> But it wasn't until January 2002, that NYU settled a contract with the graduate teachers union, dubbed GSOC (Graduate Student Organizing Committee).<sup>3</sup> The contract provided for a minimum salary of \$15,000 and health coverage and expired August 31, 2005.<sup>4</sup>

In the wake of the contract, two things happened. First, in May 2002, NYU settled a claim brought against the university for illegally retaliating against a former professor, Joel Westheimer, for supporting GSOC. Westheimer claimed NYU denied him tenure because he testified on GSOC's behalf at an NLRB hearing. While NYU denied any wrongdoing, the university did agree to delete all official records of the tenure denial and pay Westheimer \$15,000.<sup>5</sup>

The second important event was the organizing of an adjunct union at NYU. In July 2002, more than 4,000 adjuncts became part of one of the largest adjunct unions in the country. After 18 months of negotiations, and again on the brink of a strike, NYU settled an 11<sup>th</sup> hour contract that provided for increases in pay and health benefits.<sup>6</sup>

### **The Brown Decision and NYU's Decision to not Negotiate**

In July 2004, the Bush-appointed National Labor Relations Board issued a 3-2 decision stripping graduate teachers of the protections of federal labor law. In their dissent, the two democrats on the Board wrote, "Today's decision is woefully out of touch with contemporary academic reality."<sup>7</sup>

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<sup>1</sup> 332 NLRB no. 111. New York University and the UAW, October 31, 2000.

[http://www.nlr.gov/nlr/shared\\_files/decisions/332/332-111.pdf](http://www.nlr.gov/nlr/shared_files/decisions/332/332-111.pdf).

<sup>2</sup> Scott Smallwood, "A Big Breakthrough for T.A. Unions," *Chronicle of Higher Education*, March 16, 2001. <http://chronicle.com/weekly/v47/i27/27a01001.htm>

<sup>3</sup> Adam Playford and Megan Becker, "Strike nears, tensions rise," *Washington Square News*, October 24, 2005. [http://www.nyunews.com/vnews/display.v/ART/2005/10/24/435c5f2d50db5?in\\_archive=1](http://www.nyunews.com/vnews/display.v/ART/2005/10/24/435c5f2d50db5?in_archive=1)

<sup>4</sup> Scott Smallwood, "NYU and its TA Union Reach Pact on a Contract." *Chronicle of Higher Education*, February 15, 2002. <http://chronicle.com/weekly/v48/i23/23a01802.htm>

<sup>5</sup> Piper Fogg, "NYU Settles with Scholar who was Denied Tenure After Backing TA Union," *Chronicle of Higher Education*, May 17, 2002. <http://chronicle.com/weekly/v48/i36/36a01601.htm>

<sup>6</sup> Piper Fogg and Scott Smallwood, "NYU Averts Strike, but Columbia U. Walkout Goes Forward," *Chronicle of Higher Education*, April 30, 2004. <http://chronicle.com/weekly/v50/i34/34a01201.htm> and Dan Carnevale, "NYU Adjuncts Would Get Better Pay and Benefits Under Proposed Contract," *Chronicle of Higher Education*, May 21, 2004. <http://chronicle.com/weekly/v50/i37/37a01401.htm>.

<sup>7</sup> 342 NLRB No. 42. Brown University and the UAW, July 13, 2004, p. 12.

The decision means that graduate assistants that want to form a union have to do so without the protections of the law. In a chilling foreshadowing of things to come, the dissenters wrote:

The result of the Board's ruling is harsh. Not only can universities avoid dealing with graduate student unions, they are also free to retaliate against graduate students who act together to address their working conditions.<sup>8</sup>

In June 2005, as the deadline for the NYU graduate assistants' contract approached, NYU announced that it would not bargain a second contract.<sup>9</sup>

On the day the contract expired, GSOC members joined with AFL-CIO President John Sweeney, UAW Secretary-Treasurer Elizabeth Bunn, UNITE HERE President Bruce Raynor and dozens of graduate teachers from Columbia, Yale, Rutgers, University of Massachusetts and University of Pennsylvania in committing an act of civil disobedience to protest NYU's refusal to bargain with GSOC.<sup>10</sup>

### **Graduate Teachers Strike**

As the fall semester of 2005 progressed NYU continued to refuse to negotiate despite pleas from faculty and students.<sup>11</sup> GSOC held a strike authorization vote at the end of October, and when the ballots were all counted, 85% had voted to go on strike.<sup>12</sup> On November 9, 2005, GSOC members went on strike. According to the Washington Square News, "More than 600 supporters of the graduate students' union, including several hundred graduate students, noisily started off an all-university strike in front of Bobst Library."<sup>13</sup>

The first week of the strike brought with it allegations from the faculty that the administration had "surreptitiously list[ed] deans and directors of undergraduate studies as instructors on course-management sites, allowing those administrators to monitor course discussions and other activity."<sup>14</sup>

In the wake of this revelation, a group of 200 NYU faculty members sent NYU President John Sexton a letter in which they wrote, "We consider this seizing of access to the

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<sup>8</sup> 342 NLRB No. 42. Brown University and the UAW, July 13, 2004, p. 12.

<sup>9</sup> John Gravois, "A Union Symbol, Headed for Deletion," *Chronicle of Higher Education*, July 1, 2005. <http://chronicle.com/weekly/v51/i43/43a00801.htm>

<sup>10</sup> John Pulley, "Labor Protest at NYU Ends in 80 Arrests," *Chronicle of Higher Education*, September 23, 2005. <http://chronicle.com/weekly/v52/i05/05a03602.htm>

<sup>11</sup> "We Support Grad Union," *Washington Square Press*, October 26, 2005. <http://www.nyunews.com/vnews/display.v/ART/2005/10/26/435f12fc6b3ff>. Karen Matthews, "Faculty group meets with NYU President on Eve of threatened graduate student strike," *Newsday*, November 8, 2005.

<sup>12</sup> Whitney West, "Graduate Students authorize Strike," *Washington Square News*, November 1, 2005. [http://www.nyunews.com/vnews/display.v/ART/2005/11/01/436717f84488c?in\\_archive=1](http://www.nyunews.com/vnews/display.v/ART/2005/11/01/436717f84488c?in_archive=1)

<sup>13</sup> Bradley Hope and Kate Meyer, "Hundreds picket on Day 1," *Washington Square News*, November 9, 2005. <http://www.nyunews.com/vnews/display.v/ART/2005/11/09/4371f7d1941db>.

<sup>14</sup> Scott Carlson, "NYU Professors Blast Inclusion of Administrators on Course-Management Sites," *Chronicle of Higher Education*, November 11, 2005. <http://chronicle.com/daily/2005/11/2005111102t.htm>

communication between professors and their registered students to be an intensely unethical act, one that is in the deepest violation of academic freedom.”<sup>15</sup>

### **NYU Strikes Back**

On November 28, 2005, John Sexton sent an e-mail letter to all graduate assistants, in which he wrote:

[G]raduate assistants who do not resume their duties by December 5 or the first scheduled teaching assignment thereafter – while experiencing no consequences for this semester – will for the spring semester lose their stipend and their eligibility to teach.

For those graduate assistants who return by December 5th and accept a teaching assignment for the spring, this acceptance comes with the commitment to meet their responsibilities without interruption throughout the spring semester. Absences not approved by the dean will result in suspension from assistantship assignments and loss of stipend for the following two consecutive semesters.

The *Washington Square News* editorial staff termed this a “frighteningly blunt ultimatum,” and wrote:

The strike is ultimately not about stipends and benefit packages, but about recognition. That’s it. What Sexton’s offer (demand, really) amounts to is a patronizing assurance that the graduate students can trust in an administration that is always acting in their best interests, even when punishing the recalcitrant strikers who don’t know what’s good for them. It’s simply insulting.<sup>16</sup>

Despite the threats of retaliation from the administration, graduate teachers at NYU remain on strike.

In the Spring Semester, NYU cut the pay of 23 strikers less than the number on strike, because many of the strikers’ names have not been reported to the central administration.<sup>17</sup>

There has been strong support for the strikers from several areas. So far, almost 7,000 academics have signed an open letter to President Sexton expressing their “objections to the New York University administration’s efforts to defeat the graduate student union and retaliate against those who have initiated and sustained the current strike.”<sup>18</sup> Politicians have pledged their support, organized labor has joined GSOC at every rally, and over 100 religious leaders sent President Sexton a letter urging him to negotiate with the union.<sup>19</sup>

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<sup>15</sup> <http://www.facultydemocracy.org/surveillance.html>.

<sup>16</sup> “Prez Threat is Unfair to GSOC,” *Washington Square News*, November 29, 2005. [http://www.nyunews.com/vnews/display.v/ART/2005/11/29/438be5a67731e?in\\_archive=1](http://www.nyunews.com/vnews/display.v/ART/2005/11/29/438be5a67731e?in_archive=1).

<sup>17</sup> Thomas Garry, “GAs on strike try to cope with semester stipend cuts,” *Washington Square News*, March 9, 2006. <http://www.nyunews.com/vnews/display.v/ART/2006/03/09/440fe0fd4b7f3>

<sup>18</sup> <http://www.petitiononline.com/tosexton/petition.html>.

<sup>19</sup> [http://www.2110uaw.org/gsoc/religious\\_leaders.htm](http://www.2110uaw.org/gsoc/religious_leaders.htm)

On April 27, 2006 after being on strike for close to 6 months, GSOC released a petition signed by a majority of graduate teachers calling on NYU to negotiate with the union.

### **NYU's Image**

The continuing strike has been detrimental to NYU's image. In a recent article in the *New York Press*, NYU President John Sexton was ranked as the 7<sup>th</sup> most loathsome New Yorker, calling him "the Andrew Carnegie of Academia." The *Press* wrote:

John Sexton helms NYU, that beacon of Downtown real estate and strike-busting. Sexton gave the rising princes of capitalism at the Stern School of Business a lesson in how to break the back of underpaid workers when he refused to negotiate with the Graduate Student Organizing Committee. The private university grad student union's contract had expired, and Sexton's stonewalling led to a November strike.