



Cornell University

Interim President Rawlings issues statement on graduate assistant labor union representation

Oct. 27, 2016

Dear Graduate Students and Other Members of the Cornell Community:

I write to offer my perspective on the issues surrounding potential union representation of graduate students at Cornell, and to articulate the position of Cornell University on the question of whether or not unionization is in the best interest of graduate education at Cornell.

Due to a decision by the National Labor Relations Board (NLRB) on August 23, 2016, graduate assistants at private universities are considered employees – not primarily students as the NLRB had previously held – giving them the legal right to organize a labor union for purposes of collective bargaining. If a union representation election is held, the decision to adopt labor union representation will be based on the majority vote of eligible graduate student assistants voting in the election.

The prospect of labor union representation for graduate assistants is a significant matter for graduate students, and will affect undergraduate students, staff, and faculty members. I encourage our entire Cornell community to become informed about this important issue by reviewing relevant information posted by the [Graduate School](#) and by the [Dean of Faculty](#).

Further, I encourage all eligible graduate student assistants to vote if an election is held. An election could occur within the next few weeks or later, depending on if and when the union produces the required number of signed authorization cards from graduate students to authorize an election. The election outcome will be determined by a simple majority of those who vote, and will be binding on all current and future Graduate School students who hold an assistantship appointment, regardless of whether they voted in the election or not. So, whether you are for or against unionization, it is critical that you vote and have your voice heard.

Graduate students are vitally important members of our Cornell community. Their scholarly work is a major component of Cornell's accomplishments, and Cornell's reputation derives in no small part from the contributions of generations of graduate students interacting with faculty members to learn and produce new knowledge together. Our accomplished students are admitted from highly competitive applicant pools with strong intellectual achievement and academic promise. Faculty members are attracted to Cornell because of the quality of our graduate students, and are inspired to help them achieve their goals. Graduate assistants provide important service to the University while developing critical professional skills,

receiving significant financial support through stipends, health insurance, and tuition waivers. Cornell values the contributions of our graduate students and seeks to preserve the fundamental elements of this complex and central educational relationship.

This is not the first time I have written such a letter concerning graduate student unionization. In 2002, a group of graduate students sought to form a graduate student labor union at Cornell affiliated with the United Auto Workers (UAW). When an election was held, an overwhelming majority of graduate student assistants (1351 to 581) voted against the union.

Anticipating a 2016 NLRB decision that could change federal labor law, Cornell, in an action distinct from its peer institutions, negotiated an agreement with a group of graduate students interested in union representation, Cornell Graduate Students United (CGSU), and its affiliated unions, American Federation of Teachers (AFT) and New York State United Teachers (NYSUT). This [agreement](#) provides a framework for pre-election activities and conditions under which an election at Cornell would be conducted, so that graduate student assistants may make an informed decision about whether or not they choose to unionize. CGSU/AFT/NYSUT will seek to hold a union representation election by secret ballot, conducted by the American Arbitration Association as a neutral third party, to determine whether or not they will be elected to act as the exclusive bargaining representative for all Ithaca and Geneva graduate students enrolled in the Graduate School who are appointed on titles of teaching assistant, research assistant, graduate research assistant, and graduate assistant. The election will be scheduled if and when CGSU/AFT/NYSUT presents a sufficient number of signed authorization cards from eligible students, according to the requirements of federal labor law and the negotiated agreement with the university.

As you know, Cornell has a long tradition of research, teaching, and consulting in labor relations. Our School of Industrial and Labor Relations is the leader in the field of labor education, and has very strong ties with labor groups throughout New York State and the nation. Groups of Cornell employees belong to seven unions, and Cornell has forged an effective partnership with these unions for many years. Through these and many other actions Cornell has demonstrated its commitment to workers' rights and its respect for organized labor.

The issue from my perspective is how unionization of graduate students would alter the relationship between students and faculty that forms the basis of graduate education. While students themselves will need to decide this question, my own belief is that selecting a labor union as the exclusive bargaining representative for students is not in the best interests of graduate education at Cornell. My concerns center on three major issues: (1) the negative implications for Cornell's current system of shared governance among students, faculty, and staff; (2) the complications that may arise when individual students are bound by the requirements of a contract designed to serve the interests of a collective, and of the associated external labor union – interests that may not meet the needs of individual students and that could hinder the ability to tailor each student's educational experience; and (3) the potential for collective bargaining about terms and conditions of employment to negatively affect graduate students' academic experience, especially because federal labor law does not define the boundaries between academics and employment.

Cornell graduate students have a significant voice in the governance of their graduate fields, of

academic departments, of the Graduate School, and of the university overall. Graduate students serve as voting members of the General Committee of the Graduate School, the governance body for graduate education at Cornell, and as active members of committees and advisory councils at all levels of the university. The Graduate and Professional Student Assembly (GPSA), comprising elected student representatives, has a [demonstrated record](#) of effective advocacy and action to improve the lives of graduate and professional students. We have not been able to solve every issue raised by students, but I believe we are better able to work through differences of opinion in a collegial atmosphere than in a potentially adversarial collective bargaining setting that includes national and NY state unions and that requires students to [pay dues or agency fees](#) for their affiliation. While the full impact of a recognized graduate labor union on shared governance bodies and student-inclusive governance committees is unknown, it could very well preclude these existing groups from interacting with “management” – including faculty, department chairs, and university leadership – on issues that could be considered potential topics for collective bargaining.

Cornell’s system of graduate education, with its emphasis on the faculty special committee that works to design an individualized educational experience meeting the needs and aspirations of each student, has been recognized nationally and globally as a hallmark of academic strength. I am concerned that a collective bargaining agreement that is, by definition, designed to meet the interests of a collective, rather than tailored to each individual’s educational pursuits, will weaken this system. Any collective bargaining agreement would by necessity incorporate the interests of the AFT and NYSUT, organizations that have little familiarity with Cornell’s academic mission and values, and that have their own agendas and concerns to promote. This tension is not hypothetical; competing interests of student members of the union and their affiliated national organization, the United Auto Workers (UAW), have been [highly visible](#) at New York University (NYU), currently the only private university with a recognized graduate student union.

If a union represents our graduate students at Cornell, I believe there will be a negative impact on the flexibility, individuality, and inventiveness of students and their faculty advisors in structuring the academic environment. Each individual graduate student should be able to optimize opportunities for learning, teaching, research, service, and creativity. I believe that graduate students and their faculty committee and mentors are best able to make critical decisions regarding the components of each student’s graduate program without potential constraints imposed by collective bargaining agreements.

While graduate employee unions exist at a number of public institutions, such institutions are bound by state, not federal, labor laws. Most state labor laws prohibit strikes by public employees; federal labor law does not. State labor laws typically limit the issues that can be bargained for with educational employers and have explicitly carved out academic matters as topics not suited for collective bargaining; federal labor law does not. Good faith bargaining does not preclude disagreement on the topics of graduate education that are employment-related vs. those that are academic. Indeed, this has been NYU’s experience, where the union filed grievances challenging the university’s right to choose specific individuals to teach specific courses, a disagreement that led to legal proceedings.

As you consider the issue of labor union representation of graduate students over the coming weeks, I hope you will consider carefully all aspects of Cornell's highly regarded graduate system and the potential consequences of adding collective bargaining (and its attendant stakeholders) to the complex context of graduate education. I also ask you to assess what value a graduate labor union would add to the Cornell community and to your academic degree. Finally, let me again urge you to exercise your right to vote if an election is held, as the results are likely to stand for many years to come.

Yours Sincerely,

Hunter R. Rawlings III

Interim President