

## **Statement by Labor Academic Panel**

### **Based on Public Forum about Graduate Teaching Assistant Organizing at Yale**

We were asked by the Graduate Employees and Students Organization at Yale University (GESO) to hear their members' concerns, and those of other interested parties, in connection with GESO's efforts to organize Yale's graduate student teaching and research assistants. We presided at a public forum at which these concerns were aired, held at New Haven City Hall on September 20, 2003.

Everyone in attendance who wished to speak was given an opportunity to do so. Both GESO and our panel chair invited University President Levin to attend or to send a representative to present the views of Yale's administration. We regret that President Levin declined to attend and that no spokesperson for University administration participated.

Several dozen people spoke at the forum and responded to questions from the panel. The majority were graduate student teaching assistants active in GESO, who regard themselves as employees of the University. We also heard from several graduate students who were critical of GESO, including a representative of the group *At What Cost?*, which opposes GESO's organizing efforts. In addition, statements were contributed by Yale faculty members; faculty at other institutions at which graduate student teaching assistants have organized a union or sought to do so; academic experts on union organizing and employer anti-union campaigns; and representatives of the Federation of Hospital and University Employees and the American Association of University Professors.

The forum was conducted in a spirit of dialogue and civility and an evident willingness of all present to listen to and reflect upon opposing views. We were particularly impressed by the seriousness, insight, and courage of the graduate students, on both sides of the issue, who spoke.

We announced at the forum, and emphasize again here, that neither the forum nor this panel were constituted as investigative or fact-finding bodies. The format of the event did not, nor was it intended to, enable us to draw conclusions about specific incidents described, the conduct of the University, GESO, or any individual, or the impact of the matters discussed on Yale's graduate student teaching assistants or their attitudes toward unionization or GESO.

Nevertheless, the many first-hand accounts of events surrounding GESO's organizing efforts delivered at the forum, if they prove accurate, present a troubling picture that warrants further comment. Both GESO's supporters and its critics described a highly-charged and conflict-ridden atmosphere surrounding the question of union

representation. Recently, Yale and the union representing food service, maintenance, clerical and other employees entered an historic contract-settlement. We congratulate the employer and the unions on this bold step and hope that it provides an opportunity to transform the overall climate of labor relations at Yale University. In that spirit, we hope that all members of the Yale community concerned with and affected by the question of union representation of graduate student teaching assistants will now take steps toward finding common ground for dialogue and establishing an atmosphere of mutual respect.

Most of the presentations were from supporters of GESO, which sponsored the forum. We understand that many students who participated were speaking publicly about these matters for the first time. Numerous students active in the GESO drive made disturbing reports. Some recounted that faculty members opposed to unionization of the graduate student teaching assistants threatened to injure the academic status and prospects of students known to them to be GESO supporters. Other GESO activists told of being ordered by faculty members or by campus police to stop discussing the union with fellow students in campus venues generally open for discussion of all topics. Other statements recounted incidents in which faculty members or campus police ordered GESO activists to cease distributing literature in areas of the campus where leafleting on other topics is generally permitted. One GESO-affiliated student reported having actually been detained by the police under these circumstances. Some graduate students reported being ordered by campus police, on threat of arrest, to cease distribution of GESO literature even in locations open to the public as walkways. Other GESO supporters reported that graduate students from overseas fear loss of their entry-status if they participate in the union. We were also told that, when students have approached University officials with complaints about intimidation and interference with freedom of expression, the administration took no action to investigate or address them.

If the reports we heard of faculty, administration, and campus police actions are true and representative, graduate student teaching assistants at Yale would clearly be justified in feeling threatened and intimidated. We recognize that the other participants in the incidents described might present very different accounts of what did and did not happen, and we acknowledge that our panel is not in a position to resolve disputed evidentiary questions. Nevertheless, the fact that so many students reported threatening and intimidating experiences, including in relationships with their immediate academic supervisors, itself raises a serious concern. Rightly or wrongly, many graduate students at Yale believe that supporting the unionization effort may seriously jeopardize their professional future. In the case of foreign students, again, rightly or wrongly, there is the additional fear of loss of entry-status resulting in compelled departure from the United States. Surely all parties should agree that this would be a troubling state of affairs at any university. Even if the reports we heard at the forum are exaggerated or mistaken, everyone connected with Yale should be alarmed by the apparent level of distrust, which cannot serve the interests of any segment of the community, and which is inimical to reasoned discourse. At a minimum, it should be possible to discuss and take positions regarding the issue of unionization without fear of reprisals. We encourage all parties to

take steps to clear the atmosphere so that productive discussion can proceed on the merits.

We also heard from, and appreciated hearing from, students who oppose GESO. They reported their belief that opposition by graduate students to GESO is genuine and reasoned, and not merely a reflection of faculty or administration pressure and intimidation. Several students also complained of what they regarded as aggressive and intrusive GESO organizing practices, such as repeated home visits to students who had made clear their objection to such visits. While critical of GESO, *At What Cost?* takes no organizational position on whether graduate student teaching assistants are employees who should have the right to engage in collective bargaining, its members being of different views on that question.

We came away from the September 20th forum with an indelible impression that serious issues are percolating at Yale's graduate faculties that implicate not only labor relations but the University's overall mission to foster a center of reasoned dialogue and inquiry. While our forum heard important perspectives and voices, it could not provide a thorough, all-sided and definitive airing and resolution of the issues. We are deeply troubled that, at present, it remains an open question whether there is any venue in which these issues can be fully aired.

The Yale University administration takes the position that graduate student teaching assistants are not employees within the meaning of the National Labor Relations Act, and therefore the National Labor Relations Board (NLRB) has no jurisdiction over either GESO's representation campaign or the charges of intimidation and interference arising from GESO's organizing efforts. That matter is presently under consideration by the NLRB, and, while panel members may have their own views on that question as individuals, the panel itself takes no position. However, we note with regret that the consequence of the administration's position, if sustained by the NLRB, is that the serious charges of intimidation and interference with expressional freedom raised by GESO's supporters will never receive any sort of adjudicative hearing. In any event, given the nature of the Board's processes, the charges are not likely to be resolved for years. The lack of a venue in which to air their grievances is, in part, what persuaded us to accept GESO's invitation to participate in the September 20th forum.

But whatever decision the NLRB makes, the issues at stake here will not go away. One of the world's great universities, Yale has committed itself to the free expression and exchange of ideas, including the full range of opinions about whether and how its own graduate student teaching assistants are to have a collective voice within the University. Reasonable people may have different ideas of where to draw the line between free expression and intimidation, and they may have different notions about the proper time, place, and manner for expression of controversial ideas. A hallmark of a free and open university is that such disagreements are amenable to discussion, where possible, to compromise and resolution within the community. We believe that it is both eminently sensible and also consistent with Yale's most basic commitments to find a mutually acceptable forum for reaching some understanding about the serious and sincerely held

concerns of members of the Yale community about what they experience as a genuine threat to their freedom of belief and expression.

To summarize, we offer the following suggestions:

(1) that all members of the Yale community concerned with the question of union representation of graduate student teaching assistants take steps toward finding common ground for dialogue and establishing an atmosphere of mutual respect; and, in that same spirit,

(2) that the parties find a mutually acceptable forum for reaching some understanding about conduct that members of the Yale community regard as a genuine threat to their freedom of belief and expression. That forum could be the NLRB if all parties conceded its jurisdiction; or it could be another forum devised by the parties.

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(Affiliations Listed for Identification Purposes Only)

While regrettably we were unable to attend the hearing, we have read the statements and other materials that were submitted and have talked with people who were present at the hearing. On that basis we endorse the statement of the panel members.

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