

## **List of questions that were asked and/or answered at the Q&A session about the union vote on March 23.**

How much would union dues be? What will they be used for? The NRLA states that we do not have to be members, but would have to pay dues for services provided. Are we required to be union members? [combined with question from audience Q&A]

Would grad students currently paid by AFT and its affiliates be allowed to fill leadership roles during the bargaining process or other leadership positions in the union? Would this be a potential conflict of interest between our wants and as a grad student body and AFT's agenda?

Fellowship this semester – not eligible to vote. How many students are affected in a similar way? Were any methods to reduce this problem considered, and if so why were they not implemented?

Doesn't Cornell have a grievance procedure? How would the union affect this?

Describe CGSU's internal grievance procedure.

Would the union have any effect on the adviser-advisee relationship?

I disagree with the methods used by CGSU to contact students. What will prevent CGSU from contacting people that do not wish to be contacted if the election goes through? What protocols will be in place to ensure that this does not happen?

[question edited to correct numbers] In counting the number of graduate students that make up the bargaining unit, there are around 980 students in Engineering and Physical Sciences, and about 750 students in the Social Sciences and Humanities. However, according to CGSU's recent amendment instituting a Negotiating Committee, only 4 out of the 13 memberships are offered to Engineering and Physical Sciences, while 6 are offered to Social Sciences and Humanities. What is the logic behind this?

What provisions does CGSU's constitution have in order to ensure demographic diversity in participation? For example, the GPSA cannot run if a specific number of Engineering, Physical Sciences, Life Sciences, Social Sciences, Humanities and Professional students are not in the room. But CGSU's constitution has no such requirement. So hypothetically, could 20 English PhD students get together and pass a policy?

How will GPSA's role change if the union passes?

Give a brief overview of the NLRB decisions that allows grad students to organize? Does this mean we are considered workers under state or federal law?

Is the decision to unionize reversible?

Will differing resolutions/contracts be reached based on department (will the college of engineering have identical solutions as the college of arts and sciences)?

Why AFT? What guarantees we will have a voice in such a huge union (1.6 million members, \$300 million budget)?

Why do each of you think unionization efforts in 2002 failed? Why is this time different?

Is being part of the bargaining union the same as signing a union card? And if I don't have to, does that preclude me from taking part in any governance in the CGSU?

**These questions were asked ahead of time and/or were clarified during the audience question-and-answer session.**

**1. How much would union dues be? What will they be used for? The NRLA states that we do not have to be members, but would have to pay dues for services provided. Are we required to be union members? [combined with question from audience Q&A]**

a. CGSU

- i. In every prior local grad contract affiliated with AFT, the total amount of dues paid (agency and local) has been 1-2% of stipend/salary. Agency fees are to AFT/NYSUT and used to service the contract, from negotiation to enforcement.
- ii. Local dues are decided by the local union in their constitution and bylaws and used to support administrative expenses, like renting an office and running our website. Union members can usually also elect to pay extra to support political lobbying e.g. for education, etc.
- iii. You can be ideologically opposed to the union and effectively a nonmember -- this means you would pay NYSUT/AFT fees ("agency or servicing fees" for the bargaining done on your behalf) but not local dues (e.g. not supportive of local operations). You are not required to be a union member.
- iv. Depending on what we negotiate, we can ensure that dues are fair. Should we decide that all members who receive the same minimum (stipend or salary) negotiated in the contract should pay the same dues rate, any extra pay over the minimum may be treated as "overtime," and so would not be subject to agency fees.

b. AWC

- i. National Dues that most Engineers will pay today are \$397.68 ([link](#)). Grad Stipends over the last five years have increased by over

2% yearly ([link](#)). This means that after another raise, most Engineers would pay \$606.36 of NYSUT/AFT dues, if dues are determined by total pay versus on the minimum. ([link](#)).

- ii. There are two clear classes of workers – workers that pay \$606.36 will not have any voice in CGSU. Members that pay local dues will have voting rights. However, nobody has the option to not pay money to AFT/NYSUT. (Reference: Minutes from EGSA Townhall, and GPSA meeting on 03/20/2017)
- iii. CGSU promises to increase the base stipend (around \$25,000 today) to account for Union dues. However, most students get paid more than this, as dictated by their departments. CGSU says they will not negotiate with every department individually to increase stipends. Therefore, it seems likely we will likely pay from our pockets.

**2. Would grad students currently paid by AFT and its affiliates be allowed to fill leadership roles during the bargaining process or other leadership positions in the union? Would this be a potential conflict of interest between our wants and as a grad student body and AFT's agenda?**

a. CGSU

- i. This would be up to the membership. There are currently no rules about this; all members in good standing may run for leadership positions, and if enough people thought it might be a good idea, they could try to get a proposed amendment passed by CGSU that limited "member-release organizer" leadership,
- ii. On conflict of interest: It is in AFT's best interest for us to get the best possible contract, and we pay agency fees for their expertise. This aligns our interests and reduces the possibility of a conflict of interest between what AFT might want and what CGSU, as an autonomous local union, might want. However, if a conflict of interest did emerge, recusal of anyone in that situation would be in order.

**3. Fellowship this semester – not eligible to vote. How many students are affected in a similar way? Were any methods to reduce this problem considered, and if so why were they not implemented?**

a. CGSU

- i. CGSU negotiated to include fellows as part of bargaining unit because they do equal work, but the administration insisted that

they not be included because their money is “portable” and refused to sign any agreement involving fellows. As such if you are on fellowship or a given semester you do not pay agency fees, which service the contract . If you are on fellowship, you can choose to pay local dues, meaning that you are part of the local union, though not covered by the collective bargaining agreement.

b. AWC

- i. The NLRB does not require Fellows to be part of the Bargaining Unit, and therefore Cornell did not concede.
- ii. There are about 2200 students that are part of bargaining unit. Data acquired from the GPSA (DISC committee) reveals that there are 1142 students on fellowships. [\[link\]](#)
- iii. This could affect leadership of CGSU because fellows would have to pay local dues to continue being a member. Fellows could opt in to paying local dues/being a part of CGSU.

**4. Doesn't Cornell have a grievance procedure? How would the union affect this?**

a. CGSU

- i. Yes have we procedures, different kinds. The SHARE website is helpful [\[link\]](#), has flowcharts as to how grievance should occur and timelines for them. Rose Agger's personal experience was that the grievance procedure took longer than stated in the guidelines, that one of the judicial faculty member was involved in a harassment case and that DGS' (directors of graduate studies) may benefit from more training
- ii. Right after they started unionizing Cornell changed procedure to include more student interaction, but that is not legally binding -- the university could change these guidelines again.
- iii. The first few steps of the current grievance procedure involve only Graduate Directors and Deans, which make it implicitly faculty-biased. The union hopes to establish a legally binding grievance procedure which must be followed and documented when complaints are raised about working conditions or a graduate position is to be terminated. As other schools have successfully, we hope to involve both student and third-party oversight at the early stages of the process so that graduate interests are represented.

- iv. A contract between us and Cornell may negotiate a grievance procedure regarding work-related issues. Obviously this would not be made public without the consent of members/the grievant/whatever the policy entails.
  - v. The grievance policy of Cornell regarding academic standing of grads remains unchanged.
  - vi. There would potentially be instances in which work and academic issues mix; in such cases, deciding which process should be used is what lawyers typically call a “conflict of law” question and can be decided between the parties using arbitration processes.
- b. AWC
- i. The step-by-step process in the current grievance procedure is listed here [\[link\]](#). Graduate students have been included in multiple steps of this process for a long time. Teja Bollu (one of the GPSA representatives at the meeting) has served on Grievance committees. Aravind Natarajan (the other GPSA representative) is currently on the General Committee that also hears grievances.

## **5. Describe CGSU’s internal grievance procedure.**

- a. CGSU
- i. The union grievance policy, described in CGSU’s bylaws regarding internal grievances [\[link\]](#), is used when someone has an issue with action, inaction, interpretation or decision made by CGSU.. Grievances are, in other words, about the functioning of the union. If this is not clear, CGSU can amend the bylaws to make it clearer.
  - ii. The Grievance Committee is a standing committee, for general advocacy for members and non-members [\[link\]](#).
  - iii. There is no requirement that a person give up their rights to redress federal or state legal violations by the union in court, only that a person may not pursue a federal or state case about a matter covered by the grievance process until there is a decision issued by the Steering Committee. If CGSU violates state or federal law, the grievance procedure would not be the right forum, and would not supersede the law. Federal and state law takes precedence over local bylaws.
- b. AWC
- i. All members of the union automatically sign away their right to approach any State or Federal court for Grievance Redressal

against the Union ([link](#)) while the decision by the Steering Committee is being made.

- ii. CGSU's current internal grievance procedure relating to a member feeling aggrieved by an action, inaction, interpretation of the CGSU Constitution and Bylaws, or another decision by CGSU, states that all grievances against the CGSU will be brought to the Steering Committee. This committee will assess the case and propose a resolution. Should the grievant wish to appeal the committee's finding, they must file a public appeal, the contents of which will be put up for a vote to the entire union membership.

## 6. Would the union have any effect on the adviser-advisee relationship?

### a. CGSU

- i. Research shows: "our results support other theoretical traditions that suggest unionization might have no impact or even a positive impact on [faculty-student] relationships. In the unionized departments we surveyed, students reported better personal and professional support relationships with their primary advisors than were reported by their nonunion counterparts." - 2013 study [Rogers]. 90% of faculty state that unionization does not inhibit ability to advise or instruct graduate students [Hewitt].
- ii. In the Columbia decision issued last fall by the NLRB, the majority ruled that "a graduate student may be both a student and an employee; a university may be both the student's educator and employer. By permitting the Workers Compensation Board to define the scope of mandatory bargaining over 'wages, hours, and other terms and conditions of employment,' the Act makes it entirely possible for these different roles to coexist—and for genuine academic freedom to be preserved."
- iii. Rogers, Sean E., Adrienne E. Eaton, and Paula B. Voos. "Effects of Unionization on Graduate Student Employees: Faculty-Student Relations, Academic Freedom, and Pay." *ILR Review* 66.2 (2013): 487-510.
- iv. Hewitt, Gordon J. "Graduate student employee collective bargaining and the educational relationship between faculty and graduate students." *Journal of Collective Negotiations in the Public Sector* 29.2 (2000): 153-166.

### b. AWC

- i. CGSU will be a workers' Union. That means they can bargain for worker related rights and conditions. However, as a Ph.D. student, our research (unless you are an RA) is exclusively an academic engagement (as described by the New York State Workers' Compensation Board). Therefore, the Union has no legal standing to help with instances of problems you may have with your advisor.
- ii. Even if they could, how would they help you resolve academic problems with your advisor? They surely could not force your any faculty to continue to be on your committee, or to write a good recommendation letter, or to respond promptly to emails. This is why the law states academic engagements as being beyond the union's purview.
- iii. Currently, if you have a fallout with your advisor, the Cornell Graduate School Grievance procedure will kick in. If that does not resolve the dispute, the Graduate school has provisions to make available an entire semester's tuition and stipend (contact Dean Jason Kahabka) providing you the time and support to find an alternate advisor.

**7. I disagree with the methods used by CGSU to contact students. What will prevent CGSU from contacting people that do not wish to be contacted if the election goes through? What protocols will be in place to ensure that this does not happen?**

- a. CGSU
  - i. If as student told union that they didn't want to be contacted, that had to be adhered to. If that happened it was a mistake.
  - ii. Part of the disconnect with this campaign, aside from the intensity of many election drives, may be that standard organizing tactics have not changed as quickly with the times as we have. Whereas ten years ago, someone knocking on your door would not necessarily be thought of as uncommon, now it really shocks us. This is not an excuse! Just something I [Michaela Brangan] have also been thinking about a lot lately--ways to make things structurally and interpersonally better.
- b. AWC
  - i. Multiple graduate students approached Aravind Natarajan and Anna Waymack (both members of the General Committee in the Graduate School) and expressed concerns about being harassed

by Union members and pressured to sign authorization cards. They went out into the community to find out if this was truly a concern, and wrote a letter to the editor ([link](#)). Aravind and Anna were attacked and called names.

- 8. [question edited to correct numbers] In counting the number of graduate students that make up the bargaining unit, there are around 980 students in Engineering and Physical Sciences, and about 750 students in the Social Sciences and Humanities. However, according to CGSU's recent amendment instituting a Negotiating Committee, only 4 out of the 13 memberships are offered to Engineering and Physical Sciences, while 6 are offered to Social Sciences and Humanities. What is the logic behind this?**
- a. CGSU
    - i. This is a member-proposed amendment, and is still under discussion. It was posted publically as an early step in the ratification process, which involves public review and further revision before it goes to a full-union vote ([link to process](#)). A bargaining committee which underrepresents large contingencies is unlikely to pass such a vote without revision.
    - ii. Any member can propose an amendment like this one, and can participate in the discussion around it. The final date for negotiating committee proposals is April 10 and then all amendments will be available for written comment and discussion for a further two weeks, after which a union-wide vote will be held.
  - b. AWC
    - i. This is an amendment proposed by the "Legal Affairs Committee" – an official working committee of the CGSU ([link](#)). Further, any amendment requires a 10% vote in order to be brought to the table.
    - ii. Therefore this amendment already has both the support of a key working committee of CGSU and 10% of its voting body.
    - iii. This amendment is concerning because it demonstrates the difficulties of a common union representing graduate students from a diverse range of social identities and fields, with different needs and work conditions.



**9. What provisions does CGSU's constitution have in order to ensure demographic diversity in participation? For example, the GPSA cannot run if a specific number of Engineering, Physical Sciences, Life Sciences, Social Sciences, Humanities and Professional students are not in the room. But CGSU's constitution has no such requirement. So hypothetically, could 20 English PhD students get together and pass a policy?**

- a. CGSU
  - i. The constitution came out of very small group, and it is an evolving document. CGSU has an active amendment process that has been productive. The goal is to embody a democratic process within the union organization to modify constitution.
  - ii. Quorum: Refers to minimum number of people that need to be at a general assembly meeting for decision to be made there. As composition of the union changes, this number may not be appropriate, but can be amended.
- b. [Link](#) to quorum portion of CGSU constitution
- c. AWC
  - i. The GPSA has voting seats proportional to the population of various divisions at Cornell. And a minimum number of representation across these fields is required for any meeting to be called to order.
  - ii. However, CGSU neither has a requirement for diversity in its committees – all committees could be staffed by members representing just one field – nor a reasonable requirement for quorum – if any 20 members (less than 1% of the 2,200 members in the voting body) show up in a room, they can call the meeting to order ([link](#)).
  - iii. This is the only governing document they have about how they function.

**10. How will GPSA's role change if the union passes?**

- a. From Nate Rogers, GPSA President
  - i. The technical change is that "the GPSA will no longer be able to discuss terms of employment or employee benefits for the bargaining unit with Cornell." What that means on a practical level is that we will no longer be negotiating for stipend increases, health insurance benefits, childcare grants, parental leave, etc. for RAs, GRAs, and TAs. These are all things the Executive Committee and the Student Advocacy Committee have been very involved

with until now. This begs the question, "would the GPSA still have these conversations on behalf of students who are on fellowships or are self-pay?" That is harder to answer. It depends on whether the administration would still be willing to discuss this with us. For any number of reasons, they might not be willing to do this.

- ii. A related question here is how broadly the definition, "terms of employment" or "benefits" can go. There are currently no clear definitions for either of those terms, so neither the GPSA, CGSU, or the Cornell administration knows what issues will be included. We will all have to wait until after a collective bargaining agreement has been worked out to know for sure how both parties interpret the scope of these terms.
  - iii. TL;DR: Nobody knows. The GPSA's role will definitely change as CGSU takes over some responsibilities that the GPSA previously had.
- b. CGSU:
- i. The FAQ on the CGSU website reads: GPSA is an important part of Cornell's shared governance system, and we're not trying to replace that. But through a union, concerns around graduate students' working conditions, benefits, and compensation have stronger legal frameworks to negotiate and hold the administration accountable. The graduate student body will have a stronger voice at Cornell with CGSU and GPSA working in coordination. GPSA represents academic life while CGSU represents graduate students as workers. The two work hand in hand, and having one does not make the other obsolete.
  - ii. Stipend minimums for non-bargaining unit folks (e.g. fellows) will only be affected by a contract in the abstract: that is, what we negotiate in the contract for "wages/benefits" may well influence other constituencies who are receiving comparable benefits. GPSA and CGSU can work together on such intersecting interests.

**11. Give a brief overview of the NLRB decisions that allows grad students to organize? Does this mean we are considered workers under state or federal law?**

- a. AWC
  - i. The NLRB ruling referred herein does not newly endorse graduate students as Workers. RAs, TAs and GRAs have already been recognized as Workers for State and Federal purposes for a long

time (Cornell has paid Worker's Compensation for the last 42 years). However, the NLRB ruling granted these workers the right to unionize.

- ii. Previously in the judgment, *Brown University, 342 NLRB 483 (2004)*, the NLRB ruled that even though some graduate students are workers, they are all also engaged in scholarly advancement and that unionization will affect their academic engagement.
  - iii. The recent ruling states that even though graduate students juggle two responsibilities of being a worker and a scholar at the same time, there is no evidence that their unionizing, will affect their scholarly engagement.
  - iv. We are glad the NLRB came to this decision, and are happy that graduate students can unionize. We are just against this particular union.
- b. CGSU
    - i. Largely agree with the NLRB history.
    - ii. Cornell opposed this 3 to 1 ruling, indicating that they do not think we should have these rights.

## 12. Is the decision to unionize reversible?

- a. AWC
  - i. In theory yes, but in practice very difficult. The process to decertify is similar to the certification process. 30% of union members must sign a petition to hold a vote. A majority of the voters (>50%) must vote to decertify. Unlike the process of forming a union, the employer (Cornell) can not provide financial assistance. The employees must bear this burden. In addition, the union could use union dues paid by the same workers trying to decertify to try to prevent this action. For example, AFT could use your dues money to hire and place organizers back on campus.
- b. CGSU
  - i. Deciding to undo unionization is a similarly democratic process to deciding to unionize (see AWC above). If something is going that badly for a local to want to dissolve itself, it probably wouldn't be too undue a burden. Rarely do unions decide to do this, because it isn't normally the case that a union would itself cause such majority detriment its members.
  - ii. You cannot vote to decertify a year after certification or the first three years of a contract except for a brief "window" of time.

Those are the only timing restrictions.

**13. Will differing resolutions/contracts be reached based on department (will the college of engineering have identical solutions as the college of arts and sciences)?**

a. CGSU

- i. People who currently have a lot of benefits at Cornell are unlikely to “lose out” – e.g. have their stipends reduced; this has not happened elsewhere. There are initial and yearly pay bumps to established stipends at time contract is made, increases which usually apply to both the minimum stipend and well-established non-minimum stipends. There is no need to negotiate with every department individually--there is well-established legal precedent for simply requiring that all present stipends also receive raises. Contracts with different terms for different categories of student bodies (e.g. different departments/fields/colleges) have been done, e.g. at Temple. In such an agreement, there are not multiple contracts; rather, one contract stipulates different terms for different constituencies. Contract negotiations are not rigid or universal, and are unlikely to reduce stipend because student body votes on contracts.

b. AWC

- i. CGSU promises to increase the base stipend (around \$25,000 today) to account for union dues. However, most students get paid more than this, as dictated by their departments. CGSU has mentioned that they cannot “guarantee” an increase in all our stipends to cover the dues. Therefore even if the base stipend were raised to account for the union dues, our departments do not have to raise the stipend too.
- ii. This combined with the previously mentioned concern of disproportionate representation on the Negotiating Committee is extremely worrying to us in AWC.

**The following questions were part of the audience Q&A and not asked ahead of time**

## 1. Why AFT? What guarantees we will have a voice in such a huge union (1.6 million members, \$300 million budget)?

### a. CGSU

- i. We democratically voted and chose them because they respect the democratic processes and allow autonomy regarding dues and policies. In the GPSA, many things have still not been resolved that have been on the docket for years. For example, we have not gotten anywhere on dental plan. Currently, worker's compensation applies in narrow range of circumstance. Union gives us the infrastructure and power to change these things.
- ii. We are a part of NYSUT, the largest regional organization within AFT (600,000 members). Because we are part of the largest regional membership, we have access to a disproportionate influence on national constituency as compared to smaller chapters. If we choose to join about 5% of AFT would be grad students. AFT has a Higher Ed arm that also includes faculty unions, contingency faculty unions, etc.
- iii. In the affiliation agreement, we have own local union chapter and our own bylaws/constitution. AFT's model is that of local autonomy.
- iv. *During the Q&A session, there were sticking points about the constitution. This was the answer:* There are amendment procedures for the constitution/governing document. After we win recognition, we can even decide to get rid of our bylaws and make new ones, if the membership decides to.
- v. We have local autonomy for how we choose to run the union that the AFT won't interfere with as we are chartered. Having a chartered local union is kind of like being a state, and with AFT, it's much more of a decentralized governance structure than other national unions.
- vi. AFT can also decertify us if they disagree with how we are acting in a very dire way. There are not many incidences of this in a long (100-year) history.
- vii. By partnering with AFT, we gain their experience and legal support in negotiating contracts, as well as institutional memory. Some of the oldest and most powerful graduate student unions in the country are AFT partners, including Rutgers University (graduate union est. 1972), University of Michigan (1976), and University of

Oregon (1977). The current student union drives at Brown, Penn, and Princeton have also decided to affiliate with AFT in their push for recognition.

- viii. See CGSU [faq page](#) for more on AFT
- a. AWC
  - i. If CGSU won, that would take the total graduate student membership of AFT to 5%.
  - ii. Ideally, we would join forces with graduate student unions from peer institutions and join a common Union in order to have a say at the local and national level.
  - iii. The choice to align with AFT was made by CGSU in its infancy, when it had a less than a 100 members

## 2. Why do each of you think unionization efforts in 2002 failed? Why is this time different?

- a. AWC
  - i. None of us were here. Students were affiliated with UAW which has been argued is a bad choice. Vote was proportionally 2-1 against. About 88% of graduate students voted. This time, the union has been much more dogged and persistent -- office, phone and house calls, etc
  - ii. This time AFT has engaged 15 paid AFT workers and 3 paid graduate student workers (as mentioned by Paul Berry) to convince the students to vote for them.
- b. CGSU
  - i. National climate has changed and now a lot of schools are unionizing. Universities are relying more and more on adjunct labor -- this is semester by semester and it is cut from the mold of how they treat graduate workers. It is in our interest to raise the floor of how academic workers are treated for our wellbeing in academic positions in the future.
  - ii. What is different about our union is that it is more democratic and member driven. The mayor of Ithaca and ILR faculty have publicly supported the CGSU effort. While we have workers paid by AFT, the Cornell administration has many paid workers as well -- they have hired law firm to fight against us and we don't know how much they are being paid.

- iii. Organizers have been working to help us, which is typical for all unionization drives. For grads, we are doing our own research when we aren't working, so the burden has fallen more heavily on organizers to talk to grads than is ideal. But it isn't uncommon.
- iv. When the affiliation agreement was negotiated, we did request that we get paid student positions.

**3. Is being part of the bargaining union the same as signing a union card? And if I don't have to, does that preclude me from taking part in any governance in the CGSU?**

a. CGSU

- i. No, being part of the bargaining unit is not the same as signing a union card. If you do not sign a union card or withdraw your union card, you will not pay local dues, and will therefore also not be able to take part in CGSU governance. As a member of the bargaining unit, you will benefit from the contract regardless and therefore pay the agency fee.
- ii. The contract itself will benefit everyone, but deciding what is in the contract and structural procedures as well as leadership and elections are member privileges. Nonparticipants will still benefit but not have a vote.
- iii. Being a member of your local means you get to have a say in how your local is run. Local dues can be anything we want, any payment structure we want, including not having them at all (although that decision isn't very typical). It depends on what kind of local membership decides, together, to have.
- iv. Until you sign a contract there are no local or affiliate dues. The negotiation process would begin with the school after bargaining committees are voted on and extensive surveying. Our goal is to negotiate the best contract we can promptly, and Cornell must legally bargain in good faith. For one example of a timeline, Oregon State University affiliated with AFT in the Fall of 1999, and established their first contract in Spring 2001. Contracts agreements are usually re-negotiated every two to four years.

b. AWC

- i. Everybody (without a choice) is automatically part of the bargaining unit and you have to pay National dues (\$400 to \$600).
- ii. However, if you choose not to sign the Union card you still have to pay the national dues, but need not pay the local dues. This means you cannot participate in CGSU's form of governance.

