

## Introduction

pp. 1-15, in Monika Krause, Mary Nolan, Michael Palm, and Andrew Ross (ed.) *The University against itself. The NYU Strike and the Future of Academic Labor*. Philadelphia: Temple University Press 2008.

Many institutions can trace their founding to the outcome of a conflict, whether over ideas, beliefs, or human relationships. Not a few arose explicitly out of a labor dispute. In the case of New York University, there was a labor conflict over the foundation stones themselves. Convicts from Sing Sing prison were subcontracted from the state to dress stone for NYU's first building on the northeast corner of Washington Square Park in 1834, and local stonecutters rioted in response. The Twenty-Seventh Regiment of the New York National Guard, which used the park as its marching grounds, was called in to restore order. By the turn of the twenty-first century, the university had claimed the whole of Washington Square and was spreading rapidly in all directions, filling out a sizable footprint across the core of downtown Manhattan. After decades of often intense labor friction with its employees, NYU's most recent internal crisis boiled over in 2005, when the Graduate Student Organizing Committee/United Auto Workers (GSOC/UAW) Local 2110, the union for graduate assistants, went on strike to force their employer into negotiations. The square soon hosted picket lines, set up alongside buildings on its east side and in front of the main library, which dominates the south side and houses the offices of the president and senior administration.

The strike, which straddled two semesters and endured for seven months, drew the attention not only of academics from all over the country and overseas, but also of national labor leaders who hastened to Washington Square to deliver defiant speeches. It was seen by graduate-student organizers across the nation as the front line of their struggle, and many came to join the picket lines. The strike saw a self-proclaimed liberal institution try to break a union in the heart

of a union town, and it saw that university resort to tactics redolent of a ruthless corporate employer—intimidation, random firings, misinformation, and the promotion of a company union. For many observers, the conflict was seen as a test case of the labor policies that universities might pursue in the near future. The strike ended without recognition of a GSOC contract. But it has prompted many analyses of the state of the academic labor movement and widespread reflection on the changing character of the twenty-first-century university, at a time when quickening neoliberal trends are running against the grain of older institutional formations of cultural capital—the university, in effect, against itself.

The strike was noteworthy because of the prominence of the two main actors: the union and the university. GSOC had made history four years earlier as the first graduate-employee union to negotiate a contract at a private university, and that contract remains the only collective-bargaining agreement between graduate employees and a private university in the United States. (Public universities have had recognized graduate unions for almost forty years.) But the employer's profile and conduct had also earned it some distinction. In 2005, just two months before the strike began, the *Economist* presented NYU as the premier example of how an institution of higher education could not only survive through lean times but also thrive and excel by harnessing an entrepreneurial spirit, cultivating ties with the business world, and capitalizing on its location. The key to NYU's turnaround, according to the *Economist*, lay in "the fact that power is concentrated in the hands of the central administration" rather than being distributed among the faculty.<sup>1</sup>

NYU underwent rapid and dramatic change in the decade before the strike. Formerly a commuter school (the percentage of commuting students went down from 60 percent in 1990 to 27 percent in 2006), it was now the nation's most popular choice for college applicants. On a less

positive note, these students were graduating with the highest average debt of any university or college students, and they were more likely to be taught by contingent faculty (in 2005, 71.9 percent of NYU faculty were off the tenure track, one of the highest percentages in the country).<sup>2</sup> As part of its image as a global university, NYU enrolled the highest number of international students and sent more of its own students overseas than any other American university. Its much lauded success in faculty recruitment was a testament to the new academic star system that created enormous differentials in pay, workload, and benefits. Its record of physical expansion was a case study in urban real-estate economics. The entrepreneurial profile of the university had been guided by a board of trustees drawn from top executives and investors in the city's FIRE (finance, insurance, and real estate) economy. Its president, John Sexton, provocatively declared that NYU was poised to innovate a new role for urban universities by anchoring a high-growth ICE (intellectual, cultural, and educational) sector as a vital supplement to the FIRE economy.

Despite its many successes, NYU remained less well endowed financially and less able to rely on traditional forms of academic prestige than the Ivy League universities with which it was striving to compete. So it was not surprising that a graduate-employee union would succeed at NYU before it did at Ivy League schools such as Yale, Columbia, the University of Pennsylvania, and Brown, which also faced union drives among graduate students. Given NYU's centralized and top-down governance, its fiscal vulnerability, and its entrepreneurial ethos, it was no less surprising that it would be the first university to attempt to bust a graduate assistants' union. The result provided a timely opportunity for this book's contributors to diagnose changes in the landscape of academic labor and university power relations. NYU is not unique in either its embrace of entrepreneurial business practices or its opposition to the unionization of its academic workforce. But the institutional response to the strike, along with the methods adopted

by preceding administrations to further NYU's upward mobility and global orientation, illustrate, in stark relief, the impact of marketization on higher education—a topic that many contributors address in these pages.

### The March of Privatization

The past two decades in higher education have seen a wave of institutional restructuring in response to demands on administrations to conform with market rationalization. Both private and public institutions rely increasingly on skyrocketing tuition, private sources of funding, and the concentration of power upward, even as critics from government and business have called for greater accountability and efficiency through the more rapid adoption of business practices. The result has drastically eroded the long-cherished buffer zone between academe and corporate America; one symptom is that the salary spread between senior administrators and contingent teachers increasingly resembles its corporate counterpart.<sup>3</sup>

As a consequence of the Bayh–Dole Act (1980), universities have been actively encouraged to generate revenues from the commercialization of research and the licensing of intellectual property. Though research institutions are still regarded as public guardians of the knowledge commons, most have joined the rush to license and generate revenues from the knowledge produced by their employees, sharply limiting public access to that knowledge.<sup>4</sup> Recently, in assessments of academic disciplines and entire universities, competitiveness and profitability are valued as much as, if not more than, impartial inquiry and public knowledge. Teaching resources in subject areas that have no direct commercial potential have been slashed, and students are encouraged to adopt a consumer mentality in shopping for an education that can readily be transformed into market value.<sup>5</sup> A college degree is viewed as a commodity to be

bought—increasingly through loans rather than grants—and college administrators treat students as if they were indeed consumers, even as they are also viewed as a “product” of the institution.

Even more troubling, students as a whole, as Marc Bousquet observes, are now often the largest component of any campus workforce, employed more typically in jobs such as food service, day care, janitorial work, building security, interior painting and carpentry, parking enforcement, laundry service, administrative assistance, and warehouse restocking, than in “those that form the dominant image of student work:” tutorial, library, and community-service and internship activities. What for most students is the grim reality of “working your way” through college is an economic bonanza for off-campus and on-campus employers in search of low-wage labor.<sup>6</sup> When these jobs are not performed by students, universities and colleges have enthusiastically joined the race to outsource food services, bookstores, and janitorial services to off-campus contractors to lower labor costs and minimize the presence of unions on campus.

A long list of scholarly researchers have concluded that these diverse developments are detrimental to the production and transmission of knowledge and corrosive of the rights, well-being, and interests of students and the academic workforce.<sup>7</sup> Disgruntled employees now routinely lump them under the pejorative rubric of “corporatization.” However imprecise—the corporate world comprises a welter of competing strategies for organizing workforces and production techniques—the term functions as a kind of gratifying shorthand for the perceived betrayal of collegiate ideals.

As the culture of privatization spreads throughout higher education, the cruelest toll is taken on public universities. Almost every public college or university has been forced to turn its operations more and more toward private sources of funding, and it is in the public sector that the prodigious rise in tuition fees (and student debt) has been greatest. Like that of so many other

private institutions, NYU's ascendancy has been closely linked to the declining fortunes of a public neighbor, CUNY, once the world's greatest working-class university. NYU's very motto—"A private university in the public service"—once was used, proudly, to differentiate its reputation from Columbia, New York City's other major private university, but it has become increasingly incongruous. In the academy, as in neoliberal society at large, the line between public and private is no longer easy to discern.<sup>8</sup>

Despite this blurring, crucial distinctions between public and private higher education remain—not only because private institutions seek to maintain them but also because institutions such as the National Labor Relations Board (NLRB) uphold them. Unlike publicly listed corporations, whose books and financial operations are subject to some degree of transparency, the budgets and finances of private universities are a closely guarded secret, contributing in no small measure to the arcane nature of their prestige. So, too, private universities draw more deeply on the sediment of academic traditions, many of which help obscure the sacrificial labor that keeps the modern university running. Consider the antiquated belief that graduate teaching assistants are not workers but apprentices, or that adjuncts are willing to endure poverty in exchange for practicing a beloved vocation. Each profession has its own way of extracting discounted labor from its youngest and most vulnerable members, but nowhere else is the gap so great between the self-image of the academic vocation and the reality of its heavily stratified workforce.<sup>9</sup>

### The Right to Organize

As universities increasingly rely on contingent labor for almost every aspect of their operations, academic organizing is routinely understood, by organizers and observers alike, as a

reaction to commercial pressures and corporate-style university management. Over the past decade, the rise of an academic labor movement has been analyzed in a variety of publications dealing with the struggles of teaching assistants, the unionization of adjuncts, and the disappearance of the tenure-track professor.<sup>10</sup> In assessing the GSOC strike, contributors to this volume draw on that literature and on published profiles of corporatization in higher education. But, as they also make quite clear, the strike was a new chapter in this history. It involved, from the outset, factors that had not been replicated elsewhere as well as outcomes that could not be easily predicted.

When GSOC's bargaining committee called for a strike-authorization vote in October 2005, it was not to resist a proposed pay freeze or to take a stand against health-care rollbacks. The union was fighting for the basic right to negotiate with its members' employer over compensation and working conditions. A strike can be a radical tactic, but GSOC's struggle was essentially a conservative effort to retain rights rather than to acquire new ones. Moreover, the students who withdrew their labor in November of that year did so without the protections offered to workers through the National Labor Relations Act (NLRA).

In 2000, the NLRB (the federal agency created in 1935 to enforce the right to organize under the NLRA) ruled that graduate assistants were employees and that NYU was legally obliged to recognize the union.<sup>11</sup> When the administration challenged the ruling, GSOC responded with pressure tactics: publicized visits from elected officials, a mass mobilization of undergraduate support, several petitions for union rights signed by a majority of eligible graduate students, and a call, from a significant portion of full-time faculty, for the administration to recognize the students' democratic choice. The night before a strike vote was to be held, the administration agreed to drop all legal appeals and negotiate.

In 2000, the NLRB decision was a powerful card in the union's deck, but by 2005 it was the employer who held the card. A year earlier, Brown University, facing a graduate-student-unionization drive, had appealed the NYU decision. The NLRB, with new members appointed by President George Bush, overturned the 2000 decision, judging that at private colleges and universities (in contrast with public ones), teaching assistants are "primarily" students and therefore do not qualify for labor rights.<sup>12</sup> The Brown decision clearly emboldened private university employers to crack down on organizing efforts, and the NYU administration (which included several members of the former Clinton administration) came under pressure from its counterparts at Yale, Columbia, Brown, and Penn to withdraw its recognition of GSOC.

Although this ruling was only one of a series of restrictions imposed by the NLRB on the right to organize, its timing, along with the publicity generated by the NYU strike, made the labor movement sit up and take notice. It is fair to say that the AFL-CIO has not been consumed by ruminations about how to organize knowledge workers, though in some unions and among some labor leaders this challenge has been duly acknowledged. Nor had the labor leadership seen graduate-student organizing, despite its numerical growth, as an especially significant field to which resources and policy ought to be devoted. No decisive shift in mentality on this topic occurred as a result of the NYU strike, though the enduring resolve of GSOC through several months on the picket line helped to convince many trade unionists that the students were real union brothers and sisters. If a prolonged strike seemed likely to earn the students laborist credibility, it was not clear that this strategy could really succeed against a large private university, whose financial operations would be much more difficult to compromise than those of a corporate employer.



Nor was it easy to predict how such a strike would play among allies of GSOC. On the inside, they included NYU faculty, whom the administration would seek to divide, and undergraduates whose support would require considerable education on the issues; on the outside, they ranged from community groups and other institutional allies to sympathetic politicians (dozens of city councilors and state senators, U.S. senators Chuck Schumer and Hilary Clinton, and the presidential contender John Edwards). No one could have foreseen that the administration would be quite so intractable, so determined to spread misinformation, and, ultimately, so vindictive in targeting the strikers. To be sure, the administration was expected to abide by the union-busting playbook provided by its legal consultants (the infamous Proskauer Rose, who had advised NYU counsels during the GSOC organizing campaign in the late 1990s and the NLRB hearings in 2000, and who had also been retained by the Yale administration during the GESOgrade strike of 1995). But few imagined that it would adhere so closely to the ruthless tactics laid out on page after page.

The course of the strike also saw several unforeseen developments on the side of GSOC support. A sizable number of the NYU faculty came out publicly, either in support of the strike or against the administration's position. Two hundred to three hundred faculty members, a majority of those with whom the teaching assistants worked directly, consistently signed petitions. A new organization called Faculty Democracy initiated its own actions and mounted direct challenges to President Sexton and his senior administrators over their repeated failures to consult faculty on policy positions or observe the kind of transparency required by the culture of shared governance. In contrast to the limited faculty mobilization in support of labor struggles at Yale and Columbia, the NYU efflorescence was unprecedented at a private, research university. But if the NYU administration faced more internal opposition than elsewhere, the very

consolidation of power at the top enabled it to push through unpopular policies and bitterly divide faculty.

The active, day-to-day involvement of organizers from New Haven's UNITE-HERE local, a union that had left the AFL-CIO to join the Change to Win coalition, offered evidence that the recent split within the labor movement might not impede cooperation among unions on different sides. So, too, did rallies attended by other Change to Win and AFL unions—the Teamsters and the steelworkers, for example. Last but not least, the forward momentum of the student union itself proved remarkably resilient. GSOC withstood many severe blows to morale, endured divisive internal struggles, and ended the strike without a contract. Yet the capacity of its members to regroup, re-commit, and embark on new strategies in the year following the strike has confounded those who have experienced the profound demoralization that can follow an unsuccessful strike.

### Lessons to Be Drawn

The complex social and political life of any strike is not easy to document.<sup>13</sup> While some contributors to this volume make the effort to do so, that is not the primary aim of the book. This collection seeks to draw useful lessons from the strike, as well as from the remaking of NYU as an institution and GSOC as an organization. Many of the contributors focus on local detail from NYU and New York City, but most analyze the national significance of economic forces and patterns of academic life that were highlighted by this local dispute. These tendencies have to be better understood if the freedoms, securities, and vital qualities of the academic workplace are to be preserved and maintained. The alternative is increasing inequality and polarization among the workforce, loss of effective faculty governance and basic rights for non-tenure-track teachers,

and falling educational standards and rising costs. Academics never tire of talking and lecturing about justice in society at large, but there is less and less in our own backyard.

In compiling this volume, we want to make a useful, even practical, contribution to the challenges awaiting future academic organizers. We also hope that the lessons found in these pages will help clarify some of the often bewildering changes that are sweeping the university workplace, changes that are occurring at a speed that many find inimical to the measured pace of academic life. Graduate teaching assistants and part-time or non-tenure-stream faculty hardly need a weatherman to know which way the wind is blowing and have organized to protect themselves, but tenured faculty (who have generally acceded to the creation of a two- or three-tier workforce) have not yet recognized, or risen to, the challenges that are transforming academic labor and the university.

The contents of the volume are arranged in three sections: the first devoted to analyses of the restructuring of the university along neoliberal lines; the second focused more directly on the GSOC strike; and the third given over to essays about the future of the academic workplace. The contributors are drawn from several strata of the academic workforce. They include graduate assistants who have been active with GSOC and the UAW; NYU faculty who played a role in Faculty Democracy, the independent organization formed in response to the university administration's unilateral adoption of an anti-union policy and its erosion of the faculty governance system; and non-NYU faculty and trade unionists who are seasoned commentators on the topics of academic labor and university governance.

#### Notes

1. "Secrets of Success," *Economist*, September 8, 2005. Several articles in the *New York Times* have solidified this narrative of "the NYU miracle." For a good example, see William

Honan, "Buying Excellence: How N.Y.U. Rebuilt Itself—A Special Report," *New York Times*, March 20, 1995. See also Joan Marans Dim and Nancy Murphy Cricco, *The Miracle on Washington Square: New York University* (Lanham, Md.: Lexington Books, 2001).

2. See American Association of University Professors, *Contingent Faculty Index 2006*, available online at <http://www.aaup.org/AAUP/pubsres/research/conind2006.htm>.

3. In 2005–2006, NYU's John Sexton had the second highest salary of any president at a research university, at \$915,256, excluding benefits; other income from appointments to corporate boards, also derived in large part from his position. See "Compensation Study of the 25 Universities Involved in Billion-Dollar Campaign Initiatives," *Chronicle of Higher Education*, February 3, 2006.

4. Jennifer Washburn focuses on intellectual-property licensing and technology transfer in *University, Inc.: The Corporate Corruption of American Higher Education* (New York: Basic Books, 2005). See also Corynne McSherry, *Who Owns Academic Work? Battling for Control of Intellectual Property* (Cambridge, Mass.: Harvard University Press, 2001)

5. Frank Donohue, "The Uneasy Relationship between Business and the Humanities," *American Academic*, vol. 1, June 2004, 93–109; Craig Calhoun, "Is the University in Crisis?" *Society*, May–June 2006, 8; Gary Rhoades and Sheila Slaughter, "Academic Capitalism in the New Economy: Challenges and Choices," *American Academic*, vol. 1, June 2004.

6. Marc Bousquet, "The Escape from Contingency, or, Students Are Already Workers" *Works and Days* 23, nos. 45–46 (2005)

7. Sheila Slaughter and Larry Leslie, *Academic Capitalism: Politics, Policies, and the Entrepreneurial University* (Baltimore: Johns Hopkins University Press, 1997); Sheila Slaughter and Gary Rhoades, *Academic Capitalism and the New Economy* (Baltimore: Johns Hopkins

University Press, 2004); Stanley Aronowitz, *The Knowledge Factory: Dismantling the Corporate University and Creating True Higher Learning* (Boston: Beacon Press, 2001); Marc Bousquet, *How The University Works: Higher Education and the Low-Wage Nation* (New York: New York University Press, 2007); Cary Nelson and Stephen Watt, *Academic Keywords: A Devil's Dictionary for Higher Education* (New York: Routledge, 1999); David Kirp, *Shakespeare, Einstein, and the Bottom Line: The Marketing of Higher Education* (Cambridge, Mass: Harvard University Press, 2004); Sheldon Krimsky, *Science in the Private Interest: Has the Lure of Profits Corrupted Biomedical Research?* (Lanham, Md.: Rowman and Littlefield, 2003); Christopher Newfield, *Ivy and Industry: Business and the Making of the American University, 1880–1980* (Durham, N.C.: Duke University Press, 2004); Gigi Roggero, *Intelligenze fuggitive, Movimenti contro l'università azienda* (Rome: Manifestolibri, 2005).

8. For an account of how NYU benefited from the abolition of free tuition at CUNY, see Nathan Glazer, in *The University and the City: From Medieval Origins to the Present*, ed. Thomas Bender (New York: Oxford University Press, 1988).

9. Andrew Ross, “The Mental Labor Problem,” in, *Low Pay, High Profile: The Global Push for Fair Labor* (New York: New Press, 2004); Micki McGee, “Hooked on Higher Education and Other Tales from Adjunct Faculty Organizing,” *Social Text* 20, no. 1 (Spring 2002): 61–80.

10. Cary Nelson, ed., *Will Teach for Food: Academic Labor in Crisis* (Minneapolis: University of Minnesota Press, 1997); Patrick Kavanagh and Kevin Mattson, eds., *Steal This University: The Rise of the Corporate University and the Academic Labor Movement* (New York: Routledge, 2003); Jim Downs and Jennifer Manion, eds., *Taking Back the Academy! History of Activism, History as Activism*, London: Routledge, 2004); Randy Martin, ed., *Chalk*

*Lines: The Politics of Work in the Managed University* (Durham, N.C.: Duke University Press, 1999); Marc Bousquet, Tony Scott, and Leo Parascondola, eds., *Tenured Bosses and Disposable Teachers: Writing Instruction in the Managed University* (Carbondale: Southern Illinois University Press, 2004); Gary Rhoades, *Managed Professionals: Unionized Faculty and Restructuring Academic Labor* (Albany: State University of New York Press, 1998); Judith Wagner DeCew, *Unionization in the Academy: Visions and Realities* (Lanham, Md.: Rowman and Littlefield, 2003); Joe Berry, *Reclaiming the Ivory Tower: Organizing Adjuncts to Change Higher Education* (New York: Monthly Review Press, 2005).

*Workplace: A Journal of Academic Labor*, available online at <http://www.cust.educ.ubc.ca/workplace>, is an indispensable source of commentary on academic labor (the Fall 2007 issue has a special issue on the NYU strike). *Inside Higher Ed*, available online at <http://www.insidehighered.com>, has also provided a good deal of coverage and commentary. Print journals that have consistently published articles on academic labor include *Social Text*, *Radical Teacher*, *Minnesota Review*, *Worksand Days*, and *Academe*, the monthly publication of the AAUP.

As for organizations, the academic labor movement in toto consists of the Coalition of Contingent Academic Labor, the Coalition of Graduate Employee Unions, the Collective Bargaining Congress of the AAUP, and faculty union groupings in the National Education Association and the American Federation of Teachers.

11. “New York University and International Union, United Automobile, Aerospace, and Agricultural Workers of America, AFL-CIO, Petitioner,” case 2-RC-22082, October 31, 2000, 332 NLRB no. 111.

12. “Brown University and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, ALF-CIO, Petitioner,” case 1-RC-21368, July 13, 2004, 342 NLRB no. 42, 7.

13. GSOC members, supporters, and observers documented the strike. Issues of the *GSOC Journal*, a union newsletter circulated to members via e-mail, were produced almost daily during the chaotic early weeks of the strike and posted on many websites and listservs. Several blogs also covered the strike, the most prominent being “Nerds on Strike!” (<http://nerdsforgesoc.blogspot.com>), a website run by GSOC members in the NYU Sociology Department. There is a strike press archive on the website of UAW Local 2110 at <http://2110uaw.org/gsoc/press%20archive.htm>. See also the websites at <http://www.facultydemocracy.org>; <http://www.nyuinc.org>; and <http://www.nyuexposed.org>.