

March 11, 2020

Information for Berkeley Faculty Regarding the Pending Wildcat Strike

Preface

The Graduate Council has long advocated for increased stipends, affordable housing, and other efforts aimed at improving the quality of life for our graduate students. These provisions are essential for UC Berkeley to foster an academically excellent and diverse suite of graduate programs. Most of our efforts are primarily aimed at finding long-term solutions to the challenges posed by the particularly high cost of living in the Bay Area. For most of our graduate students, the immediacy of their financial struggle is not alleviated by long-term strategies and they have come to the point where the labor contract negotiated by their union and the University of California Office of the President (UCOP) is no longer tenable. Our campus now faces a wildcat (non-union organized) strike beginning on Monday, March 16. The planned strike will be a full work stoppage where GSIs will not engage in any of their teaching duties. GSIs from fifteen departments have declared themselves strike-ready with organizing efforts continuing.

The faculty has obligations to both our undergraduate and graduate teaching missions. A GSI strike places our responsibilities for serving these two communities in tension. Given the wide diversity of GSI roles in supporting instruction, there is no single position that serves all parties' best interests equally. As each faculty member considers how they will handle the strike, we individually need to weigh the particular characteristics of the current situation for our graduate students and teaching obligations.

The Graduate Council recognizes the importance of all parties being well-informed of their respective rights and responsibilities. We strongly recommend that all faculty become familiar with the parameters of the situation (see below). As UC Berkeley faculty members, it is important to both support our students wholeheartedly and take our delegated authority seriously. Balancing these competing demands is not easy and yet it is the essential responsibility of self-governance. Departments and Graduate Groups should consider holding town halls to facilitate discussion.

Timeline and Background Information

- 1) United Auto Workers Union (UAW 2865) represents academic student workers (ASEs) for all ten University of California campuses. The current contract for ASEs was ratified by the UAW in August 2018. The current pay scale includes a 3% cost of living adjustment (COLA) but does not include any adjustments for UC campuses located in areas with particularly high costs of living. [UAW perspective](#); [UC perspective](#)
- 2) At UC Santa Cruz, the initial labor action was a grade strike in December 2019 where the participating GSIs withheld grades. On February 10, the action escalated to a work stoppage where participating GSIs refused to teach or hold office hours, initiating a wildcat strike. A wildcat strike is a labor action that workers take on their own initiative. It is not sanctioned by the union nor voted on by the union membership. Almost none of the specific legal protections against discipline and/or retaliation provided to a strike authorized by the union apply in the case of a wildcat strike.

- 3) On February 28, for breaching their labor contract, UC Santa Cruz terminated 54 GSIs participating in the strike and notified 20 other students that they would not be hired next quarter.
- 4) UCOP filed an unfair labor practice (ULP) charge against UAW 2865, alleging that union leadership helped organize the wildcat strike and did not do enough to stop the wildcat strike once it started.
- 5) On February 28 and March 2, UAW filed ULPs against UCOP, alleging that UCOP's refusal to meet to bargain over COLA and retaliation against UCSC workers constitute an unfair labor practice. Simultaneously, UAW leadership have begun organizing a union-wide ULP strike authorization vote, which if successful would provide the basis for a union-organized strike sometime in April.
- 6) The Berkeley Graduate Assembly (GA) is the student government entity with elected officials from the graduate student body. The GA does not take part in labor negotiations but does serve an essential role representing the graduate students on the Berkeley campus.
- 7) On March 5, the GA passed a resolution (2002B) that supported the demand that UC Berkeley bargain over a cost-of-living adjustment for graduate student workers. The resolution also stated the GA's opposition to any disciplinary action against campaign participants. [GA press release](#)
- 8) The Berkeley COLA campaign is led by the graduate student advocate group Cal COLA, a group that is not a formal part of the GA or the union. Information on their demands, concerns, and actions is posted on their website: <https://www.payusmoreucb.com>
- 9) On March 9, Cal COLA held a general assembly where they overwhelmingly voted in support of full work stoppage to begin on Monday, March 16.
- 10) GSIs at other UC campuses are also engaging in or considering similar labor action.
- 11) Regarding faculty obligations to undergraduate education in the event of strike, Regents Bylaw 40.1 and Regents Policy 2301 outline the Regents' expectations:
 - a. Bylaw 40.1 states that "The Academic Senate shall authorize and supervise all courses of instruction and curricula," which is generally interpreted to mean that faculty are responsible for the delivery of the curriculum, including awarding grades. [Regents Bylaw 40.1](#)
 - b. Policy 2301 states, "the University, on its side, is obligated to provide quality education, to recognize student achievement with grades and degrees which have an accepted meaning for transfer to other institutions, for graduate work, and for careers ... providing grades without commensurate and appropriate student achievement, constitutes misuse of the University as an institution." [Regents Policy 2301](#)
- 12) Regarding faculty obligations to graduate education in the event of a strike, Graduate Council's best practice regarding graduate student mentoring notes that "good mentoring in all its forms

involves treating students respectfully and fairly, providing reliable guidance, and serving as a role model for upholding the highest ethical standards.” [Mentoring Best Practices](#)