

Open Letter to Dean Nirenberg

I have now read your original September email and the email in response to the NLRB hearing several times, as well as the emails from Dean Rasmussen and the transcripts themselves. I feel a response is called for from a fellow faculty member, who has been at the University for 26 years, who was chair of the Statistics Department for six years, and who also testified in the NLRB hearing.

I present several arguments in detail:

1. The cost of a graduate student to the University is not half a million dollars, and is similar to that of many of its *lower paid* employees.
2. Graduate student labor is essential for the functioning of the University as a research and a teaching institution.
3. The University, in the actions it has taken, is fully responsible for the divisions in our community of discourse.
4. The true damage to reasoned discourse and our ecology of values stems from the arguments used by the University lawyers and their witnesses at the NLRB hearings, and the communications sent by the office of the President.
5. A graduate student union would be not lead to a 'third party' mediating relations in the University community, nor does it contribute in any way to the commodification of research and teaching. Rather it is the increasing influence of the wealthy donor class on this University and its peers that is the source of commodification and the reason behind their consistent and fierce anti-union stance.

The cost of a graduate student to the University

To start, I would like to dispute the calculation claiming that a graduate student 'costs' the university half a million dollars over the course of five years. This sum is apparently meant to impress those who see it and generate greater appreciation of the generosity of the University to its PhD students. The calculation adds together the stipend and benefits the students receive and the so-called tuition that is covered for them. But this tuition is merely a bookkeeping exercise, implemented in universities across the country, for a variety of reasons that I will not detail here. In reality hardly any PhD student at the University of Chicago is expected to pay tuition, and indeed if they were we would not be able to compete for any good students.

In your testimony, you claimed that had we not admitted PhD students we could have admitted paying undergraduates or MA students. This claim is baseless since without the PhD students the University would not be able to function, neither as a teaching institution nor as a research institution. In the end graduate students cost the university their stipend (when they are not paid as RA's on an external research

grant), the benefits they receive and whatever payroll taxes the University pays. The expense is similar to that of many of the *lower paid* employees of the University.

The division of our community of discourse

The responsibility for the confrontational atmosphere that has emerged over the subject of unionization lies fully with the University administration and the posse of lawyers they hired to represent them.

The University has been waging a campaign against unionization for years. Long before the August 2016 decision of the NLRB in the Columbia case, faculty and chairs would receive periodic updates on the status of the case, and on how unionization would have a detrimental effect on the University. Once the 2016 decision was announced the campaign became more intense, with emails from the President and Provost expressing opposition to unionization, while telling us at the same time that we as faculty should not be pressuring students one way or the other. The opposing viewpoints supporting unionization were tolerated but never had the same access and resources at their disposal. This was not a debate between equals as would have been expected in an institution that prides itself on spearheading the protection of free speech in academia.

Be that as it may, the University failed to dissuade a substantial number of graduate students from signing their cards and a request for unionization was submitted. At this point the University had several choices. It could have stepped back and let the union vote proceed with no further intervention. It could have let the vote proceed while continuing its campaign against unionization, hoping that they could convince the majority of PhD students to vote against unionization. It chose the third, and most confrontational route, and that is to legally contest the legitimacy of the request for unionization by bringing a high-powered law firm into the scene. It was an admission that the University, including the preeminent intellectuals who serve in administrative positions as Deans, Provosts, Vice-Provosts, etc., is unsure of its ability to provide an intellectually coherent argument against unionization.

If indeed your goal is reasoned discourse then the debate should have stayed in the University community. Furthermore, if you were genuinely interested in such discourse then you, as a high level administrator, would have called for providing the pro-union position the same access and visibility as the anti-union position.

In reference to the tweets that curated your testimony you say – “such tactics, omnipresent though they may be in our national politics, are not conducive to the reasoned discourse that we have committed ourselves to as citizens of this university”. I ask, what about the tactics that have been present in national politics for the past 40 years working towards the weakening of unions, both in the private and in the public sector? These tactics – including mass firing, right to work legislation, privatization and subcontracting – have a far more lasting and dangerous impact on our society than a few polemical tweets. The University chose

to align itself with these anti-union tactics, in line with multiple other elite private universities such as Columbia, Yale, Duke and University of Pennsylvania, and hired a well known anti-union law firm, without even pretending to have a debate about this among its `citizens.' In doing so, it is the University that has caused the most damage to the `ecology of values that nourishes critical thought'.

The sarcastic tone struck by the tweets pales in comparison to the fundamentally aggressive stance of the lawyers representing the University. Starting with objections to the use of the word `work,' questioning whether the word `employment' in University documents actually means employment; through the attempt to tarnish the testimony of Professor Anton Ford because of his membership in the AAUP (which was thankfully blocked by the hearing officer); the attempt to question the academic standing of William Kong, a PhD student in CS, as well as that of Kamil Ahsan, a PhD student in the BSD; having Kamil's advisor Victoria Prince attend the hearing room during his cross examination by the University's lawyers (I wouldn't have known about that if it weren't for the tweets!); the demand to have access to the academic records of all the students testifying for the Union, and on and on. If anyone is creating a wedge between faculty and students it is the lawyers chosen by the University, not the AAUP, the AFT or the GSU.

Reasoned discourse

On the subject of reasoned discourse, let's consider the messages from Dean of Students in the University, Michele Rasmussen. On the May 25th she writes:

The hearing on graduate student unionization that is taking place at the National Labor Relations Board in Chicago is proceeding fairly, with serious arguments and testimony. In the first five days, the University presentation included the testimony of deans and professors. Their testimony supported the University's position that graduate students who serve as teaching and research assistants are foremost students, who are fulfilling degree program academic requirements designed by faculty to facilitate a successful transition from student to scholar.

She fails to mention that all of the professors giving testimony for the University had administrative positions in their respective divisions. She fails to mention how these witnesses employed the same (and I would speculate well-rehearsed) intellectual gymnastics to argue that the primary purpose of having PhD students TA or lecture is to teach the students how to teach, and that neither the Faculty instructors nor the undergraduates benefit much from the delegation of pedagogical labor. For three illustrative passages from the transcripts see ⁱ, ⁱⁱ, ⁱⁱⁱ. In a nutshell, we are to believe that the University could dispense with PhD students performing TA and lectureship duties, and in some cases it would actually save us faculty time. We, the faculty, out of a dedicated adherence to our educational mission, are generously stepping back and providing them the opportunity to learn how to teach.

Furthermore, as part of the University's dedication to reasoned discourse Dean Rasmussen, in her university-wide email broadcasts, failed to report on the faculty and graduate students who testified on behalf of the Union from May 26 and on. As one of the faculty who testified on behalf of the Union I can attest to the fact that these were not rehearsed or coordinated. These witnesses, including myself, simply reported things as they are:

1. The work performed by PhD students as TA's or instructors is essential to the functioning of the College. The undergraduate program would simply not exist without them.
2. The grading, office hours and discussion section work TA's perform save faculty a significant amount of time, without which they would have much less time for their research.
3. The degree to which faculty members are actively mentoring the TA's and 'teaching them how to teach' is highly variable. In fact it appears that the norm is probably on the lower end rather than on the higher end.
The primary channel whereby the PhD students learn to teach is by having attended similar courses in their earlier years.
4. Without the promise of significant time for research and a relatively light load of undergraduate teaching the University would have a hard time attracting excellent faculty.
5. RA's are essential to the functioning of experimental laboratories. They often play a key role in the published research and maintaining the smooth running of the labs.

And the final gem of 'reasoned discourse' is in Dean Rasmussen's last email, stating:

Last Thursday afternoon, during the election petition hearing at the National Labor Relations Board (NLRB) in Chicago, attorneys for the American Federation of Teachers/American Association of University Professors withdrew their request for a mail ballot election commencing May 31, and instead proposed an in-person election during Autumn Quarter. By revising its position, the union essentially has adopted the proposal made by the University in early May when the union filed the election petition; the University proposed this because many students may have been unable to participate in a summer election. This development occurred at the conclusion of the hearing, which was held over the course of 10 days and included the testimony of many witnesses called by the University and the union.

This email is an excellent reflection of 'tactics omnipresent in' our national politics. The University spent hundreds of thousands of dollars on an NLRB hearing with the primary intent of preventing the union vote. As a secondary conditional demand, it had suggested that if the vote goes ahead it should be in the fall quarter. The University dragged on the hearing for almost two weeks at which point the union admitted that it clearly made no sense to have the vote in the spring quarter. To claim that the Union accepted the University's position is the height of hypocrisy, of the kind quite omnipresent in the discourse coming from the highest offices of our national politics.

Commodification of teaching and research and `third parties`

You express concern regarding disinvestments in the humanities and the commodification of teaching and research. I could not agree with you more. (Despite being a professor in Statistics, I would be delighted if the dramatic increase in enrollments in courses in my department would miraculously be transferred to the humanities. The world needs more humanists, not more data analysts.) I believe the commodification of teaching and research goes hand in hand with more general trends in the economic, social and political systems governing this country. These include extreme inequality in wealth and income, the extreme concentration of power in the financial sector, the relentless drive for privatization of public institutions and services, the constant pressure to reduce public spending, and accompanying these trends and inextricably linked to them is the steady and deliberate weakening of unions.

I see no evidence that the introduction of a graduate student union would change how the University functions in any fundamental way. The union is not some abstract removed entity, an external `third party` to use the language of your earlier email. Its members will be represented by the GSU through democratic elections. This group has been present on campus for a decade and clearly wants to preserve the intellectual and educational endeavors of the University. The testimonies of all the graduate students on behalf of the union during the NLRB hearing clearly show their respect for their advisors and for the intellectual process they are participating in. The national union with which they are affiliated may provide assistance in negotiations (or in legal proceedings imposed on them,) but it will be the same group (the GSU) that has represented graduate students in the past, which will make the ultimate decisions.

At most, graduate student unionization will create some additional bureaucratic burden on the faculty and staff. Maybe we will have to spend a bit more on our TA's and student instructors and a bit less on our bloated and highly compensated top-heavy administration, or overpaid star Professors. But that is a small price to pay for a democratic organization that would bring together the graduate students on our campus and perhaps on many other campuses; An organization that would increase solidarity among young people involved in academia across the country, and help counter the worrying trend of commodification of teaching and research.

As for `third parties`, there is one that is heavily involved in our University and in many others, and it is not the unions. This party is the class of wealthy donors who support us, and the financial industry where they amass their wealth. This is easily verified by taking a quick glance at the list of members of the University of Chicago board of trustees and the companies they are associated with – hedge funds, private equity firms, investment firms, etc. One particularly visible manifestation of the influence of this third party is the unmanageable proliferation of centers and

institutes the University has cultivated, each named after one of these donors, trying somehow to cater to their intellectual taste: a clear example of commodification.

Is the fierce resistance of private universities across the country to graduate student unionization really triggered by worries that these unions will somehow change how research and teaching is done; or rather, is it a reflection of the deepening influence of this opaque third party of wealthy donors whose deep aversion to unions is well known? Is it a fear that graduates of our universities will leave with an appreciation for the value of unions in protecting workers and strengthening the solidarity among them?

Conclusion

To conclude, the damage to the 'University ecology' and to "our best values as humanists and social scientists: our ability to think critically about complex problems, inform ourselves, test our prejudices, and cultivate a space in which a diversity of voices that might dissent from and challenge our own convictions can still be heard", is not the students' tweets nor their attempt to form a union. It is the decision of the University to hire an anti-union law-firm to spend two weeks promoting the claim that PhD TA's and RA's are not employees and do not perform compensated work. The possible minor effects of graduate student unionization on the life of the University can hardly explain this fierce opposition; most likely it is driven by the influence of the truly powerful 'third party' of donors.

Judging by Dean Rasmussen's last email, the University and its lawyers probably didn't expect the NLRB to accept that students are not employees, rather the process was most likely intended to prevent the vote from occurring during Spring quarter. Judging by the stalling tactics employed in other Universities, the attorneys at Proskauer-Rose are most likely planning the next obstacle and the next delay, in the hope that the Trump administration will in the meantime change the composition of the NLRB and subsequently overturn the decision from last August. As openly stated by the President of Vanderbilt University in [a letter to graduate students in February](#): "The NLRB and/or the federal courts should, and are likely to, overrule this recent decision and return to the prior precedent that has served higher education well for decades" (quoted from [The New Republic](#), June 12.).

How ironic if your wish to 'preserve our best values' will be granted by a government that is systematically doing everything it can to destroy those values. In contrast, by openly recognizing the graduate student union as a positive step for students taking an active and engaged role in civic life, the university could play a much more positive role, supporting collaboration, research, and free thought by all participants in the university community, effecting a culture change within its walls and beyond.

ⁱ A. Well, in my experience, which again, it's just my experience, it doesn't help the faculty member because it's more work to make sure that the -- that you think as the person in charge of the class is important and is grading in a way that is consistent and reflects what you're trying to communicate.

So, that in itself involves a large amount of effort. And so I would say that from my point of view, especially in a class of 19, having someone grading is not a relief to me.

Q. That may -- you don't know that's the case for your fellow faculty members or not?

A. but I say that whatever benefit they are receiving is incidental to the task that -- the responsibility they have, which is to teach -- how to teach.'

David Nirenberg, Dean of the Social Sciences Division May 19:

ⁱⁱ 'Dr. Wild, you were asked to question on cross-examination about whether teaching of graduate students promotes a high quality of education for undergraduate students, what is the primary purpose of teaching the graduate students how to teach?

...

A. No.

Q. What is the primary purpose?

A. To train graduate students to be good teachers.

Q. Why?

MS. AUERBACH: Objection. This was already covered.

HEARING OFFICER MOLS: I believe we covered why. Is that in order to benefit the students, the undergraduate students?

A. No not directly. I mean, good teaching for undergraduates is a byproduct of training graduate students to be good teachers.'

Christopher Wild, Master of the Humanities Collegiate Division: May 22

ⁱⁱⁱ 'BY MS. AUERBACH:

Q. The question I asked was training graduate students to be excellent teachers helps fulfill the goal of giving undergraduates excellent instruction, correct?

A. Our goal is to train excellent teachers, and when they're excellent teachers, they provide excellent instruction.

Q. But you also have a goal of providing undergraduates with excellent instruction?

A. That is true.

Q. And having TAs who have training in teaching helps advance that goal, correct?

A. That's not why we teach TAs to teach. We teach TAs to teach so that they learn how to teach.

Q. Again, I'm asking a question from the perspective of the undergraduate education. Having TAs who are trained to teach helps advance the goal of the high quality of education in the department for undergraduates, correct?

A. It's an outcome of our teaching of those teaching assistants how to teach. I want to be clear that I'm trying to draw a distinction between why do we teach teaching assistants

what we do and how do we structure our program. The goal of our teaching assistants is to become excellent teachers because that's an essential part of their education. We have a second goal of providing excellent undergraduate instruction. There are many different ways of doing that. One way is through a model that we use, but the reason we use that model is not to deliver excellent undergraduate instruction. Our goal in having teaching assistants is to teach them how to teach, and if they do a good job, it's a consequence of that, that undergraduates receive good instruction. There would be other ways in which they could receive good instruction, and it doesn't involve teaching assistants.'

Michael Hopkins, Deputy Dean for Strategic Planning in the Physical Science Division:
May 24