

Subject: UAW Strike Guidance from Senate Leadership

This letter is sent on behalf of Vice Provost Douglas Haynes. For your convenience, the text of the letter is below.

November 10, 2022

**ACADEMIC SENATE DIVISION CHAIRS
UC FACULTY**

Re: UAW Strike Guidance

Dear Colleagues,

We hope this term has been going well for you. As many know, employees of the University represented by the UAW have voted to authorize a strike. The represented units involved in the potential strike include: UAW 2865 (Teaching Assistants, Readers, Tutors), UAW 5810 (Postdoctoral Scholars and Academic Researchers), and SRU-UAW (Graduate Student Researchers). Our best information at this point is that a strike action will begin on Monday, November 14 unless a labor agreement is reached before then.

The Academic Senate is never directly involved in labor negotiations between the Administration and represented employees. Nonetheless, we understand full well that labor negotiations and labor actions can greatly affect the work we do and the relationships we have with others in our roles as teachers, mentors, and researchers. As Academic Senate leadership, we wanted to let you know what the Senate has been doing in relation to the probable strike, what we have learned from the Administration concerning the strike, and to provide minimal yet essential direction for Senate faculty.

Guidance concerning the strike has gone out from the UC Office of the President (UCOP) to Chancellors and to Executive Vice Chancellors/Provosts. Other specific guidance has been communicated from UCOP and through the campuses to those who supervise or manage employees in the above-mentioned groups.

For our part, we have communicated with Academic Senate divisional chairs, advising them to be in touch with their campus administrations at the highest level to provide guidance to faculty more generally.

No matter where you stand, guidance is critical so that Senate faculty do not inadvertently violate California's Higher Education Employee Relations Act (HEERA). Crucially, represented employees of the University have a right to strike. If you are in supervisory role regarding a teaching assistant, graduate student researcher, or postdoctoral scholar or academic researcher in the represented groups, you cannot tell them not to strike, or do or say anything that might be construed as questioning their right to strike. You must avoid retaliation or any actions or statements that might be construed as retaliation in relation to the labor action.

In strikes by represented employees, Senate faculty who are not managers or supervisors have the right to respect the picket line, and may do so if they so choose. Employers may not discipline employees, such as faculty, for doing so. Faculty also retain their rights surrounding academic freedom. Under HEERA, however, if an employee meets the definition of a supervisory or managerial employee, that person would not have the right to support the strike. Supervisors are generally those who supervise two or more employees and have the authority to hire, transfer, suspend, lay off, or discipline employees. Managers are those who formulate and administer policy of a particular program. If you have any questions about whether you meet the definition of supervisory or managerial employee, please consult your administration.

Notwithstanding the right to respect the picket line, Senate faculty have certain obligations as University employees. Notably, the Academic Personnel Manual (section 016) spells out the responsibility of Senate faculty concerning the assignment of grades. If you are the instructor of record of a course currently employing teaching assistants, we encourage you to ensure that your TAs provide you with up-to-date grades for any assignments immediately. If you are employing GSRs or postdocs, we encourage you to ensure that these employees provide you with up-to-date information concerning their research work immediately. For TAs, you may already have access to such information through course learning management systems such as Canvas.

We fully recognize that the past three years have been exceptionally challenging for many of us. Please know that we are in constant discussion with leadership at the Office of the President about labor matters, and that we have strongly encouraged them to provide what direction they can to faculty within the parameters of California labor laws. We have also conveyed our expectations that the administrations both centrally and on the campuses should be ready to provide concrete assistance to faculty in the case of any prolonged disruption of teaching and research.

Further, we have relayed to the Administration the many faculty questions that have come to us about the strike and its consequences and will continue to do so as new concerns arise. Some of these questions include:

- 1) *What happens if faculty continue their own work and need support or assistance to cover the work of striking employees (e.g., grading papers that would have been graded by TAs)?*

We have been advised that the University can reassign duties to employees or hire temporary workers to assist faculty who are so burdened to cover the struck work while the strike is ongoing. However, locating and assigning staff or administrators with academic experience and disciplinary expertise to assist in the task of grading assignments may be impractical.

- 2) *What should faculty do if they have a doctoral student hired as a GSR who is also getting academic credit for the research they are working on, and that student goes out on strike but continues to make progress on their dissertation?*

We have been advised that the faculty supervisor can report to the administrative unit that the student is striking. However, the academic credit for the work representing the part of the student's efforts that are for their academic needs must be separately acknowledged and the student should be graded accordingly.

Labor relations and, in particular, the role of Senate faculty vis-à-vis negotiations between the Administration and represented employees—employees who are also our students and mentees—are complex, challenging, and institutionally impactful matters. We encourage you to inform yourself about what the unions are bargaining for and how the Administration has responded.

Information about the Administration's current offer is being shared with the faculty via the systemwide Provost's Office, and has also been distributed through other channels to those deemed supervisors or managers. If you are an instructor of record or a supervisor of GSRs or postdocs, you should have received this information by email. If not, please reach out to your local academic Senate office.

We provide [here](#) a link to the University's position on the UAW's announced strike and a link [here](#) to the union's demands. Both websites might have some time lags in posting the most up-to-date details given the evolving nature of the situation. We also encourage faculty to reach out to their divisional Senates for guidance consistent with your local campus needs. Divisional Senate leaders, if they cannot address them locally, are in contact with systemwide Senate and can and do forward their concerns to us.

Finally, we acknowledge that this letter likely does not address all or even most of the questions and concerns you might have. Like you, we hope for a successful outcome to the labor negotiations. In the meantime, we will do everything we can on our end to work on your behalf.

Sincerely,



Susan Cochran, Chair
Academic Council



James Steintrager, Vice Chair
Academic Council

cc: Provost & EVP Brown
Academic Council
Senate Division Executive Directors
Executive Director Lin