

# Clarion

NEWSPAPER OF THE PROFESSIONAL STAFF CONGRESS / CITY UNIVERSITY OF NEW YORK



SEPTEMBER 2018



**STUDENTS**  
**'Free'**  
**CUNY plan**  
**stalls**

Cuomo's scholarship shows disappointing numbers.

**PAGE 4**



Dave Sanders

## THE FUTURE OF PSC STRONGER THAN EVER

The impact of the *Janus v. AFSCME* decision cannot be overstated, but PSC members are organized, prepared and already bringing new members into the union and meeting new faculty and staff (see pages 6-7). With the membership energized, the union starts off the academic year strong in the face of one of the biggest challenges of the year: winning a just and timely contract.

**PAGE 3**

### **BENEFITS** **More member benefits**

This summer the PSC-CUNY Welfare Fund announced new improvements for dental care and hearing-aid coverage.

**PAGE 5**



### **TECHNOLOGY** **Software: good for students?**

CUNY is going forward with using algorithmic software for academic advisement. But without investing in staff, can it work?

**PAGE 8**

### **ADMINISTRATION** **New heads of CUNY schools**

CUNY has announced new presidents at several campuses around the city. The search for a new CUNY chancellor, however, continues.

**PAGE 9**

### **LABOR** **Fight for the right to strike**

Politicians have recently supported the state's ban on strikes by government workers. A renowned labor law expert makes the case for getting rid of it.

**PAGE 10**



# Faculty victories, public and private

By DANIEL MOATTAR

At the University of Iowa and Fordham University, two new faculty unions recently won key victories by adopting unconventional strategies adapted from service-sector organizing. In contract negotiations for the academic year, contingent faculty at both schools, organizing with SEIU Faculty Forward, mounted high-profile campaigns that pushed administrators to the negotiation table despite opposition to union certification.

In each case, separate concerns over anti-labor laws and courts pushed faculty to bypass National Labor Relations Board elections and aim straight for the negotiation table. The campaign at Fordham eventually succeeded in winning a promise from the university's president that he would no longer oppose a union election.

## BIG HIKES

At Fordham, non-tenure-track faculty ended negotiations in July, locking down major raises: Fordham's lowest-paid instructors will see pay increase by as much as 90 percent, with raises of at least 67 percent for all but two departments employing non-tenure-track staff. By the spring of 2021 Fordham's adjuncts will earn up to \$8,000 per class.

"At one point, they offered a \$20 increase in pay," said Ashar Foley, a lecturer in Fordham's department of communication and media studies. "Our tactic was to get student

## Getting raises

support, faculty support, to show up at their alumni events and at parent weekends if we didn't have a contract by the fall."

Although Fordham professors were prepared to move forward without official recognition, faculty and community pressure led Fordham to accept contingent faculty's right to organize – paving the way for a vote to unionize.

"Fordham is in the public eye a lot," Foley said. "We made it show that we would go to the public with our demands. As negotiations progressed, the tone changed."

Then, on August 6, contingent faculty – many of whom previously lacked health insurance and sick leave – won a range of new benefits. Faculty hired for at least a full year will now receive fully funded healthcare for themselves and their dependents – along with retirement contributions and other insurance coverage, including life and disability.

## THORN IN THE SIDE

The wins at the University of Iowa came after several actions targeting its administration, especially controversial president Bruce Harreld, one of the state's best-paid public servants. Harreld, who had no prior academic experience, entered the administration from the corporate sector despite a faculty vote of no con-

fidence. In a series of actions, faculty and supporters marched on campus, staked Harreld's 12,000-square-foot official residence with yard signs, and staged a sit-in in Harreld's office. After 24 hours, the union ended the sit-in – slated to last three days – when administrators caved.

"I guess we were a thorn in his side," said Faye Bartram, a visiting assistant professor in Iowa's history department. Bartram says her new contract will help her address health issues that affect her teaching. "Now I'll have full health insurance," she said, "plus life, disability, dependent coverage, and accrued sick leave. We had none of that beforehand. It's

good for my health, for my teaching and it's a lot of peace of mind."

"Iowa has really extensive anti-bargaining laws," said Alex Niemi, a visiting instructor in Russian.

## Fordham non-tenure-track teachers win.

"We've just found other ways to make our voices heard. I'd say that it could be a model for other people who live in right-to-work states."

Labor board certification, which would have required Iowa's administrators to negotiate with faculty, comes with growing risks and restrictions. With the NLRB now dominated by conservative appointees – including two Trump picks – university administrators have every incentive to mount legal challenges, a problem University

of Chicago graduate instructors faced earlier this year.

That can lead to drawn-out hearings, depleted union funds and, with anti-union NLRB appointees, court decisions that entirely restrict bargaining rights, like the NLRB's 2004 Brown University ruling that graduate instructors had no right to a union.

"We're facing a next-level degree of intransigence from the state, and it's giving license to a number of university administrations to mess with adjuncts and graduate students a little bit more," said Cedric de Leon, director of the Labor Center at the University of Massachusetts Amherst. "This includes universities that see themselves as very liberal, but on labor are quite happy to let the Trump NLRB adjudicate their union drives."

Continued on page 3



## LETTERS TO THE EDITOR

WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006. EMAIL: APAUL@PSCMAIL.ORG.

# Leaving out top faculty

● I am a life member of the PSC. My grandfather was a labor organizer and he was a proud member of the Workmen's Circle.

I am not active in the union, and I don't want to be. I feel privileged to teach at Baruch, but teaching, writing and service are privilege enough.

Our union appears not to represent me or my interests. I don't view our role as one of political activism. I am not an adjunct. I am not a CLT or a HEO. But I am a hardworking, loyal professor of 35 years who has been at the top of this crappy salary scale for over 20 years. The best the union ever seems to want for me and my senior-faculty colleagues is a meager cost-of-living adjustment. I already teach 18 credits, so that concession on teaching load didn't mean anything for me.

I understand CUNY does not want to pay us what we deserve. But I am practical, I am economically orientated, and I am a damn good advocate and negotiator. I do not believe the union is negotiating for me; its concerns, efforts and goals always lie elsewhere. When CUNY comes to terms with the PSC, there will only be so much money in the package. Senior faculty will again get short shrift if your agenda is achieved.

My union needs to make primary the problem of salary for senior faculty. I cannot remember a single email from the union saying you will advocate for me and colleagues

like me. Your message and focus is always about others at CUNY.

Adjunct professors are part-time. As good as they are, and as low as the wage, your focus on doubling their pay takes budget away from the possibility of restoration of real wages for senior faculty. In an age of limited resources, why do your longest-serving members get the least bargaining focus? We deserve better from the union to which we have paid dues the longest.

I also wish the union would lay off the politics. Our cause is just. The frequent references to "right wing" politics and the political diatribe detracts from our message. The rhetoric is unnecessary and divisive, and it turns me off.

For now, I'll stay a member, out of respect for my Zayde.

**Seth E. Lipner**  
Baruch College

*PSC President Barbara Bowen responds: Thank you for your letter, and my thanks to your grandfather and his generation of courageous labor organizers. I disagree that senior faculty have received "short shrift." Take another look at how the union represents you. The last issue of Clarion, for example, led with an account of the union's presentation in bargaining of the need for an increase in full-time salaries. It showed the detailed analyses we*

*presented of the erosion of CUNY salaries over the last 40 years and of the reasons our salaries have lost ground in comparison with those at comparable institutions. The bargaining team has made it clear that addressing all salaries and making CUNY salaries competitive is our priority. Think back to the last contract: when the union's activism and organizing broke the deadlock and won \$250 million in back pay, senior faculty at the top of the salary schedule received the greatest benefit because the raises were based on percentages. And think back further to the 2007-2010 contract when the union negotiated an additional increase on the top step for every title. Or think to the 2002-2007 contract when the union won sabbaticals at 80 percent pay, a higher rate than most private universities. The PSC has strongly represented full-time faculty.*

*What I really challenge in your analysis, however, is your assumption that the zero-sum economics of CUNY management are the only possible economic framework. Under our leadership the PSC has consistently pushed beyond the framework of austerity and demanded increased funding for CUNY. The current campaign to provide a fair wage at long last to adjuncts – who now teach the majority of CUNY courses – is based on the premise that zero-sum economics are not sufficient. The union leadership has made it clear at the bargaining table and to state and city governments that providing a fair adjunct wage will require investment over and above the contract settlement. I believe that we can win that argument, and that doing so will benefit not only adjuncts and their students, but the entire membership. All of our work is devalued when management can pay anyone a poverty wage. Raising adjunct salaries, or improving working conditions for CLTs, or anything else the union does that directly affects lower-paid members lifts conditions for all. Stick with the union.*

# Marching for the climate



PSC members joined other union members and other activists in a march for climate justice in lower Manhattan in September.

## Clarion SEPTEMBER 2018

Newspaper of the Professional Staff Congress/City University of New York, collective bargaining representative of the CUNY instructional staff. Vol. 47, No. 5. PSC/CUNY is affiliated with the American Association of University Professors, National Education Association, the American Federation of Teachers (Local 2334), AFL-CIO, the New York City Central Labor Council and New York State United Teachers. Published by PSC/CUNY, 61 Broadway, 15th floor, New York, NY 10006. Telephone: (212) 354-1252. Website: www.psc-cuny.org. Email: apaul@psccmail.org. All opinions expressed in these pages are not necessarily those of the PSC.

**PSC OFFICERS:** Barbara Bowen, President; Andrea Vázquez, First Vice President; Nivedita Majumdar, Secretary; Sharon Persinger, Treasurer; Michael Fabricant, Steven London, George Emilio Sanchez, Luke Elliott-Negri, Alia Tyner-Mullings, University-Wide Officers; Penny Lewis, Vice President Senior Colleges; James Davis, Michael Batson, David Hatchett, Senior College Officers; Lorraine Cohen, Vice President Community Colleges; Michael Spear, Sharon Utakis, Howard Meltzer, Community College Officers; Iris Delutro, Vice President Cross Campus Units; Janet Winter, Jacqueline Elliott, Mylene Dieudonne, Cross Campus Officers; Joan Greenbaum, Steve Leberstein, Retiree Officers; Carly Smith, Vice President Part-Time Personnel; Susan DiRaimo, Blanca Vázquez, Meg Feeley, Part-Time Officers; Irwin H. Polishook, President Emeritus; Peter I. Hoberman, Vice President Emeritus, Cross-Campus Units.

**STAFF:** Deborah Bell, Executive Director; Naomi Zauderer, Associate Executive Director; Faye H. Alladin, Coordinator, Financial Services; Renée Lasher, Director, Contract Administration; Deirdre Brill, Director, Organizing; Francis Clark, Coordinator, Communications; Barbara Gabriel, Coordinator, Office Services and Human Resources; Kate Pfordresher, Director, Research & Public Policy; Diana Rosato, Coordinator, Membership Department; Peter Zwiebach, Director of Legal Affairs.

Editor: Ari Paul / Associate Editor: Shomial Ahmad / Designer: Margarita Aguilar / Copy Editors: Teri Duerr, Matt Schlecht  
© 2018 Professional Staff Congress/CUNY



# The PSC is moving the contract ahead

By ARI PAUL and SHOMIAL AHMAD

For the PSC's contract bargaining committee, the summer was anything but sleepy.

As this newspaper went to press, the union bargaining committee – which is made up of full-timers and part-timers, faculty and staff, from senior colleges and two-year campuses – engaged in its ninth bargaining session with CUNY management, and the sixth since Memorial Day weekend. Against a backdrop of contract settlements with other municipal and state government unions as well as statewide elections and CUNY's search for a new chancellor, the PSC has made significant progress in highlighting the union's economic demands. "Overall, there has been real progress in terms of the PSC unpacking the list of the bargaining demands and delving in and making arguments on behalf of a number of the key demands," said James Davis, the Brooklyn College PSC chapter chair and a member of the union's bargaining committee. "CUNY is very, very serious about managing the scarcity that it's been handed. So that is a kind of sobering reality about the context in which all these discussions are taking place."

## STATE PATTERN

The other major state unions – the Civil Service Employees Association, Public Employees Federation and United University Professions of SUNY – all settled contracts with the Cuomo administration that adhere to an economic pattern of 2-percent annual salary increases. At the city level, the largest municipal union, District Council 37, agreed to a contract with yearly raises of 2 percent, 2.25 percent and 3 percent, but with longer time frames for certain raises. While unions feared that this round of bargaining at the city level would involve massive health care concessions demanded by management,

## Bargaining over the summer



Bargaining committee member James Davis said the team had a lot of work ahead but that there was 'cause for optimism' in contract talks.

higher cost for employees in terms of health care in these contracts have been relatively limited.

And public-sector unions are starting to catch up with the PSC in a major respect: this year, the United Federation of Teachers announced that its members would be able to participate in a paid parental leave program, a benefit PSC members already have. At UUP, the union of SUNY faculty and staff, negotiated inclusion in the state's new paid family leave program, which provides partially paid leave for a range of family care needs.

At the bargaining table, CUNY management has repeatedly cited the other union agreements as the basis of a collective bargaining "pattern" to which New York City and State are likely to hold CUNY and the PSC. But management has not yet made an economic offer. PSC president and chief negotiator Barbara Bowen said, "There is a long history in this state of enforcing austerity

for working people through 'pattern bargaining.' The PSC has argued that imposing the pattern on CUNY doesn't work. Salaries for full-timers never fully recovered from the economic downturns of the 1980s and 1990s, and they are not competitive nationally. Salaries for part-timers are a disgrace," Bowen continued, "The PSC has a history of finding creative ways to address members' needs, even while wrestling with the confines of a limited pattern. We are prepared to do that again, but we will need the force of the membership."

## LOOKING OUTSIDE

At a recent forum, Rebecca Smart, who teaches as an adjunct at both CUNY and Fordham, was asked how her small union at Fordham had the power to win a breakthrough contract. Her advice was: "Show up and yell." PSC members will have the chance to follow that advice on Thursday, September 27, when the union will take its demand for a fair contract to the heart of the state's financial and political power: Wall Street. Bowen commented: "CUNY management and New York's state and city governments will not make our contract a priority unless we do. We are 30,000 people! We should make our numbers visible."

The power of the membership is especially important in this round, Bowen added, because the union is tackling longstanding issues of competitive pay and salary equity, in addition to other demands such as the need for tuition waivers at CUNY for members' children. The PSC contract must be approved by both New York City and New York State governments, in addition to the CUNY Board of Trustees, and the union can expect strong pressure to conform to the economic terms already approved for other unions. But the PSC bargaining team is committed to finding creative ways to improve all salaries, and is advancing a major demand that will require funding beyond the usual settlements. The

PSC's demand to end the near-poverty wages of adjuncts seeks to address conditions that have developed over decades and will require additional State and City funding. "This is the moment to tackle adjunct pay," Bowen said. "New York State under Governor Cuomo has sought to define itself as a leader in addressing low-wage work. Adjuncts must be included." She added that raising adjunct pay will benefit all faculty and staff at CUNY because it will lift the floor of salaries.

Over the summer, rank-and-file members came to bargaining sessions in order to make the case personally to management about why particular demands were important.

"Having rank-and file members speaking at the table has been a good thing. University management has to see them, be introduced to them and put real human beings behind these demands," Davis said. "Having a human presence in the room is not going to immediately convert CUNY management in conceding a demand. But I do think they listen differently."

He added, "There is cause for optimism in the sense that the arguments that the PSC is making across the table are really being heard. They are being taken in. And [those arguments] are really based on real issues on the ground on the campuses and in the offices."

"We expect the frequency of bargaining sessions to increase as we move into the fall," said Michael Batson, a lecturer on the bargaining committee. "The bargaining team has been pretty active over the past six months discussing how best to present particular demands across the table, working in committees to

work on the details of demands, and most importantly, strategizing ways to mobilize the membership."

A bargaining session was being held as this newspaper went to press, and another is scheduled for October 4. The two sides hold frequent informal discussions and are meeting in subcommittees on specific issues.

## MOVING FORWARD

The previous contract expired late last year, although the terms of the last collective bargaining agreement remain in effect until a new settlement is reached in accordance with the state's Triborough Amendment. The campaign for a just contract requires the participation of all members of the union. While the union recognizes that the contract campaign will not take nearly as long as the last one – state and city

## Putting forward the union's demands

bargaining were stalled due to a variety of factors including intransigence by former Mayor Michael Bloomberg and the fallout of the 2008 financial crisis – the union also knows that grassroots organizing for a new contract remains paramount.

The union held a major contract campaign kick off rally in Manhattan last December and held campus demonstrations to push for a new contract.

The next step comes soon.

All members are encouraged to participate in a contract demonstration Thursday, September 27, from 4 to 6 pm on Wall Street. "It's your contract," Bowen said. "If your salary and health benefits and working conditions matter to you, you need to be there. The only way we win things is by showing that the union has the power of its members."

## All members are invited to The PSC Contract Demonstration on Wall Street

Demand a fair contract, higher salaries and a fully funded CUNY. We will march through the Financial District to demand a fair contract and to protest the economic inequality that denies resources to CUNY students and those who work with them. Send a message that will not be missed in the center of financial and political power that perpetuates austerity funding for CUNY and savage inequality for our students.

**Thursday, September 27, 4 – 6 pm**  
**11 Wall Street, Manhattan** (NY Stock Exchange)

## Faculty victories

Continued from page 2

In Iowa, harsh restrictions on public employees bar faculty from bargaining on a wide range of topics, and only require negotiations on extremely limited wage increases. Iowa contingent faculty's gains would have been impossible to win through the state-sanctioned process.

At Fordham, a Jesuit institution, unionizing faculty initially didn't want to give administrators the chance to argue for a broadened religious exemption before the NLRB, as a pro-management decision could have had serious repercussions for unions at other universities including Loyola, DePaul and Georgetown. Fordham's successful campaign, and administrators' agreement to drop opposition, points to a workaround. Public pressure, not sympathetic judges, kept administrators from expanding the religious exemption in academia.

"For the most part, labor board elections have been really stacked against workers, Trump or no Trump," de Leon said. "A lot of strategies that organizers are using now at Fordham and

Iowa are strategies that the United Farm Workers used in the 1960s – and I don't think it's an accident, because farmworkers didn't have the legal right to organize in California, either!"

## GOING TO THE NLRB

The campaigns at Iowa and Fordham are part of a growing wave of confrontational direct actions by educators nationwide, including strikes by public-school teachers in Arizona, West Virginia, Kentucky and Oklahoma, walkouts by teachers in Colorado and adjuncts at Loyola University Chicago, and a contingent faculty sit-in at the University of Michigan.

At CUNY, adjuncts are demanding the \$7,000-per-class wage. In Chicago, non-tenure-track faculty at the University of Chicago and Loyola University Chicago have recently won raises and contractual reforms.

"What you are starting to see is the spread of non-normative direct action," de Leon says. "As the collective

Continued on page 4



# Excelsior Scholarship falls short: report

By ARI PAUL

In the beginning of 2017 when Governor Andrew Cuomo unveiled his Excelsior Scholarship for CUNY and SUNY – billed as the nation's first tuition-free college program at the state level – newspapers around the state of New York, including this one, had more questions about the initiative than answers.

Would the program also include part-time students, undocumented students and students who must take time off between semesters? Is it possible that the plan would help middle-class families more than it would poor households? Did the program come with additional funding to cover the needs of additional students?

## QUESTIONS ABOUT PLAN

These were just some of the questions journalists asked at the time, raising concerns with Cuomo's program as details emerged. For example, the scholarship requires a student to take 15 credits per semester, leaving out students who may have to hold down jobs while also attending school part-time. The program also requires students to live in New York State upon graduation, or have the scholarship converted into a loan that must be repaid.

Now, at the beginning of the 2018-19 academic year, a study has confirmed that the program has served far fewer students than Cuomo's announcement suggested when he unveiled the program alongside US Senator Bernie Sanders.

"According to our analysis, barely 4,000 of the 242,000 students attending public colleges and community colleges in New York City have benefited from New York's Excelsior Scholarship program," Tom Hilliard, of the Center for an Urban Future, wrote in a report this August. "Only 20,086 students statewide received an award from the Excelsior program – or just 3.2 percent of the 633,543 undergraduates statewide. But our analysis shows that significantly fewer students in New York City have benefited. Of all students state wide who received an Excelsior Scholarship, only 20.7 percent attend CUNY institutions – even though CUNY students make up 38 percent of all undergraduate enrollment in the state."

The report continued, "Overall, 3,335 students attending CUNY's senior colleges received awards from the Excelsior program – or just 2.3 percent of all those enrolled at CUNY's senior colleges. Meanwhile, 820 students attending CUNY's community colleges benefited from the program – just 0.9 percent of the 95,951 community college students enrolled at CUNY. At four of New York City's community colleges, 100 or fewer students have received an Excelsior award: Hostos Community College (34 students receiving an award), Guttman Community College (36 students), Bronx Community College (61 students), and

## Fewer students than expected were served



Ismary Calderon spoke at a rally about the Excelsior Scholarship held by CUNY Rising outside BMCC.

Kingsborough Community College (100 students). At all seven community colleges in New York City combined, just 820 students received an Excelsior Scholarship. In fact, four senior colleges in upstate New York each obtained more Excelsior Scholarships than the entire community college system in New York City."

The numbers aren't any brighter at CUNY's four-year campuses, either, according to Hilliard's report. "Meanwhile, only two of CUNY's senior colleges – Hunter College and John Jay – saw more than 3 percent of enrolled students obtain an Excelsior award," he wrote. "At 10 CUNY schools, fewer than 2 percent of enrolled students received funds."

## STUDENT REACTION

Upon the study's release, students themselves began to voice their frustration. "I came here thinking I'll have a better life here not having to stress about school and paying [tuition] after I heard about the Excelsior Scholarship," John Jay College student Jesus Lopez said at a rally organized by CUNY Rising outside Borough of Manhattan Community College on August 23. "Sadly, sitting in the library looking at the requirement, it hit me in the face. I was not going to get that no matter what. It hit me because I knew I wouldn't get my dream."

At the rally, Ismary Calderon, also a student at John Jay, said, "We were promised free college for all, but instead we were slapped with an outrageous tuition bill, dubious academic advisement and years of crippling debt." Brooklyn College student Corrinne Greene said, "I took a semester off. A very

common thing that happens to college students. For that reason and that reason alone, I don't qualify for this program. Leaving me with virtually no state aid."

## A year later, doubts about the scholarship

And Baruch College student Razieh Arabi said, "On my campus, I asked, 'Why did I get rejected?' because I met most of the criteria to receive the scholarship. No one knew why, and I ended up questioning the New York State Higher Education Corporation. [After] a long debate, they said the reason was that I am not on track to graduate for a four-year degree."

The study calls into question the extent to which the Excelsior Scholarship addresses the demand for free college education, which had been a popular policy point in Sanders's 2016 presidential campaign. *Marketwatch* noted that 70 percent of students who applied for the scholarship were rejected. While the "governor's office pushed back on the findings, noting that New York public college population used in the report takes into account students who wouldn't have qualified for the scholarship...the large share of applicants rejected from Excelsior indicates that officials did not communicate the requirements properly," *Marketwatch* said.

In an interview with *Politico*, Hilliard noted that the requirement that students be "super full-time" was partially to blame for the problem. "The scholarship's 30-credit-per-year requirement is a kind of 'super full-time' standard that is not achievable for students who need to hold jobs to supplement living costs not covered by their scholarship," he added. "Excelsior is a 'last dollar' scholarship, meaning it covers

remaining tuition after other forms of aid have been taken into account. It does not cover expenses such as room and board or fees."

For the PSC, these numbers are proof that there is no quick fix that would make CUNY more affordable without addressing the long history of underfunding public higher education by the state. In addition to joining students in demanding more state funding for CUNY and SUNY, the union has been advocating for Governor Cuomo to sign the CUNY and SUNY "maintenance of effort" (MOE) bill, passed by both legislative houses earlier this year. The bill would require each annual New York State budget to include funds for CUNY and SUNY to cover the inflationary increases in operat-

ing costs at the four-year colleges, such as rent, utilities and contractual salary increases. The governor vetoed a similar measure in 2015 and again in December 2017. While the state budget for the 2019 fiscal year has already been finalized, enactment of the new MOE bill would provide ongoing stability to the senior college budgets and mandate inclusion of additional funding to cover the costs of future contracts with the PSC.

## BEATING AUSTERITY

"We've been trying to beat the austerity mold since Occupy Wall Street, and even before that," Benjamin Shepard, PSC chapter chair at City Tech, told *Clarion*. "What the union has been asking for – what we need – is fully funded CUNY, which means that CUNY is not budgeting on the backs of students. Many of my students struggle: working a couple of jobs while supporting their parents and trying to be full-time students, they eventually run out of financial aid. To help those students, I think we need more of a commitment to an affordable CUNY for urban students."

Shepard noted that one major roadblock to getting Albany to provide full funding to CUNY was a conceptional misunderstanding by state leaders. Too often, he said, CUNY is portrayed as a cheap, public giveaway to the needy, rather than a celebrated university system like California State University, where Shepard previously taught.

"We need to view CUNY as an intellectual and creative powerhouse, an economic engine that is bringing innovation, and brings people into the workforce of our global city," he said. "We don't need to look at it like welfare, but that's often how Albany looks at it. But our students aren't that. They're anything but that."

Brandon Jordan contributed reporting for this story.

## Faculty victories

Continued from page 3

bargaining framework becomes dismantled through right-to-work laws and other draconian legal regimes, you're going to have more militancy, more direct action, more strikes."

## LEGAL FRAMEWORK

The federal acts regulating collective bargaining are part of a long-standing compromise designed to temper labor militancy and reduce work stoppages. De Leon believes the Right, eager to tear up those deals, is shooting itself in the foot.

"They think they're on to a strategy," he said. "But what happens then? People will say, 'If the legal framework won't let me do this, the hell with the legal framework.'"

As faculty unions ramp up their militancy – and look to expand – de Leon emphasizes the importance of field-testing new strategies. "If you keep going to the well, they're going to cotton on and figure out something to beat you," he says.

Relative to their bosses and tenured colleagues, contingent faculty are younger, more diverse and more often women: the frontline workers of higher education. For de Leon and others, union fights like those at Iowa or Fordham are about the strategies that new unions and young workers are using to revitalize labor – strategies that, so far, are netting wins.

A version of this article previously appeared on the website of *In These Times*.



# CUNY contracting: a cryptic process

By BRANDON JORDAN

Wage theft. Risk of injuries. Lack of benefits. This is the reality many food service workers endure while working in CUNY's murky and complicated contracting environment.

The process by which a food service contract is awarded, even at a public institution like CUNY, is so complex that Phil Andrews, director of the Retail Organizing Project – a group affiliated with the Retail, Wholesale and Department Store Union (RWDSU) – and his colleagues took 18 months to learn about contracting.

## MANY ACTORS

"It took an extremely long time to figure out because it's very obscure. There are many, many campuses running around. There are many players involved. It just evolved over time," he told *Clarion*.

Because of the decentralized contracting process, campuses have their own rules when contracting vendors such as food service pro-

## Questions about standards

viders. And such contracting is done through special non profit organizations called auxiliary services corporations, or ASCs, that are filled with campus administrators, professors and even students.

In this sense, food service contractors aren't just a contractor to CUNY, but of a separate entity outside of CUNY, making the system all the more opaque.

ASCs put out what's called a request for proposals from different companies. Andrews explained this could be for food service or merchandising. Once a vendor is chosen, he said, ASCs can collect what are called royalties from the firms that are then transferred to the college.

"The thing that makes them very unusual is that the way these contracts are structured is the royalties, or what we sometimes call kickbacks, are very high," Andrews said. "We've

seen 9 or 10 percent. We've seen a guaranteed minimum payment."

Andrews elaborated that, because of this, certain national food service companies have declined to bid on CUNY contracts "because those rates are too high."

Because of the high royalty rates, vendors have been found to minimize their costs as much as possible, with wage theft and poor food quality as examples. Andrews noted that, during his research on food service at CUNY, cafeterias were shut down multiple times by city health service inspectors.

"If you talk to anyone in the food service or restaurant industry, that's a pretty hard thing to accomplish," he said.

## NOT USUAL

The takeaway is this: not all food service providers are equal in their treatment of employees – some are

more progressive than others. But the costs associated with accepting one of these CUNY contracts attracts the vendors with inferior employment practices and lower wages.

ASCs also are distinct for their legal separation from CUNY, which exempts food service vendors from city laws, Andrews explained. At LaGuardia Community College, workers unsuccessfully sued MBJ Food Services for lack of overtime pay and failure to provide a living wage.

The suit was dismissed by a judge because their employer was tied to a non profit, not CUNY.

Andrews noted this was not deliberate but believed the existence of a legal barrier was intentional.

"Whether it's deliberate or not, the outcome is that it's obscure and not transparent," he said.

Because of the negative press resulting from this complex web of relationships and pressure from union activists, the CUNY Board of

Trustees decided to create a centralized RFP that is yet to be announced. Andrews felt optimistic the new rules would prevent many of the current abuses from happening any longer and include a labor neutrality agreement that could allow for unionization.

## HIGH ROAD

He viewed Queens College as an example to follow as its royalties are low, at 3 percent, and there exists fewer problems with employment policies.

"It seems obvious what the solution is here, which is that the campuses need to be willing to extract less money from the vendors if they want to have food that is decent and workers treated decently," Andrews said.

Yet exploitation still exists on campus in an industry with high turnover, low wages and poor job security.

Steve Leberstein, a retiree officer of the PSC, explained the union's history of worker solidarity made it clear that food service workers deserve support, especially since about 30 percent are former CUNY students.

"We don't want to benefit off the exploitation of people without the resistance of a union," Leberstein said.

He expressed concerns about the royalties colleges receive as the funds are not thoroughly documented despite audits of the ASCs. He cited the actions of former City College President Lisa Coico, who used foundation funds for personal expenses, as examples of what could go wrong.

"The issue that concerns me, is what happens to the funds that are collected? Where do they go? There's no reporting that I know of," Leberstein said.

## WORKER SOLIDARITY

Susan Kang, a political science professor at John Jay College, recalled how her union chapter shared concerns about MBJ with John Jay administrators, who were receptive and concerned with food service workers on campus. In May, RWD-SU activists protested outside John Jay demanding the campus switch from MBJ to a food service provider with a better record in treating its workers. Kang was optimistic about current plans to reform the RFP process to prevent current abuses from happening.

"Ideally, written statements and language of a contract would determine outcome," Kang said. "We know that's not true. It might require further activism from students and faculty."

She recalled inviting representatives from the Retail Action Project, part of the RWDSU, to talk to her students about conditions at John Jay for workers. After her students were informed, they felt "really upset" and pledged to help sign a petition for the workers.

"We need to show solidarity with all the workers on campuses," Kang said.

# Welfare Fund benefit increases for members

By SHOMIAL AHMAD

On July 1, the PSC-CUNY Welfare Fund announced enhancements to dental and hearing benefits, doubling the subsidy for hearing aids, and improvements to the dental benefit, including higher Guardian plan reimbursement rates for certain high-cost dental procedures such as crowns, and an increase in the number of annual dental cleanings for which reimbursement is provided. The enhancements, which come on top of other enhancements made last year, are supported by increased funding for benefits won by the union.

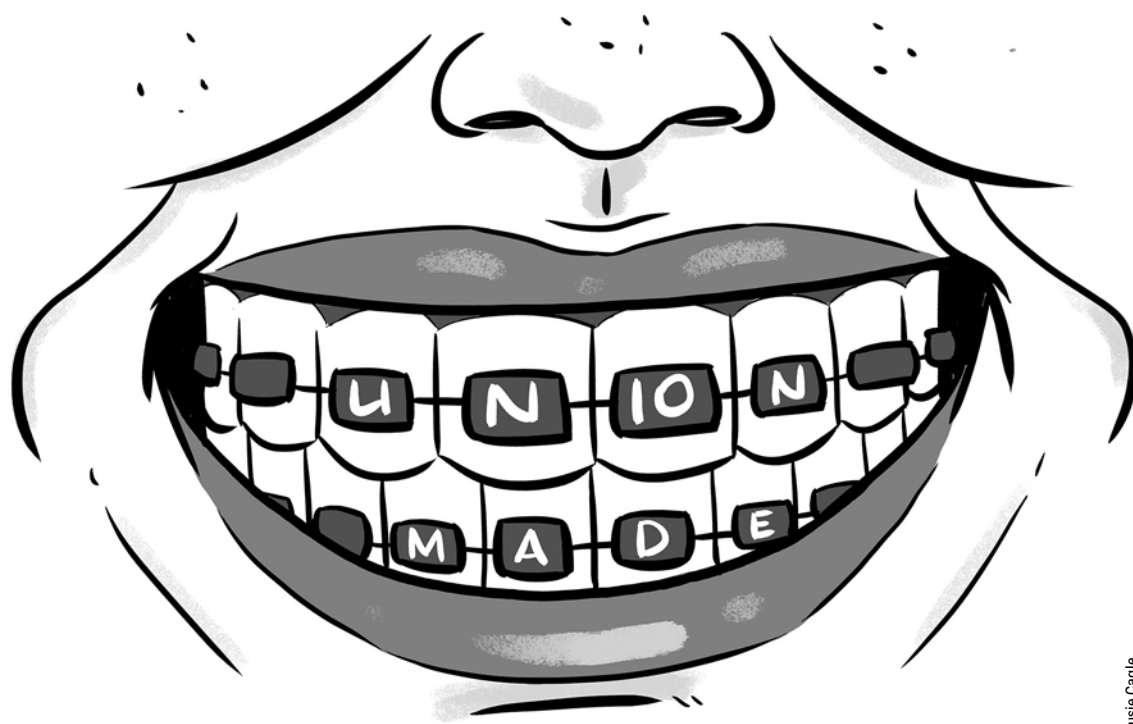
"In spite of austerity in health care nationally, PSC members have fought for and won important health benefit improvements. The secret is union power," said PSC President Barbara Bowen.

## REDUCING COST

Explaining the enhancements to the Guardian Dental Plan, Steve London, executive officer of the PSC-CUNY Welfare Fund, wrote in a letter to Welfare Fund participants: "The Fund Trustees carefully reviewed the utilization patterns of members and determined that members would receive the greatest benefit if we targeted resources to the most common expensive procedures: dental implants, oral surgery, crowns and orthodontics." He continued: "We believe that this approach will reduce out-of-pocket expenses for members more consistently than our previous coverage."

Improved reimbursement rates on these dental procedures apply to services provided by in-network Guardian dentists. The projected reimbursement rates for dental im-

## Dental work and hearing-aid coverage



Susie Cagle

plants will go up by nearly 14 percent, for crowns by 18 percent and orthodontics by more than 20 percent. (Projected rates are based on the average Guardian dentist charge.)

## MORE CLEANINGS

In addition, participants will receive reimbursements for three adult cleanings a year instead of two for both in-network and out-of-network dentists. The Fund recognized the importance of more frequent dental cleanings as a proven way to maintain oral health and prevent serious dental conditions.

The Welfare Fund has also significantly increased the reimbursement

level for its hearing benefits, which already saw significant improvements at the beginning of 2017. For hearing aids from Hear USA, the Welfare Fund has doubled the per ear in-network subsidy, from \$750 to \$1,500, so for hearing aids in both ears the total subsidy will be \$3,000 every 36 months.

The improved benefits that went into effect this July follow on enhancements instituted at the beginning of 2017. For most vision prescriptions, members who use the network of Davis Vision and Visionworks providers will be able to obtain an eye exam, lenses, frames (from the Davis-branded col-

lection) or contact lenses at no copay, every 24 months.

Bowen, who chairs the Welfare Fund Board, summed up the changes this way, "Together with careful management by the Welfare Fund

staff, union victories, including the fight for the last contract, have made possible major improvements in our dental, optical and audial benefits. Until high-quality healthcare and benefits are a universal

right – as they should be – our collective power as a union is our tool for protection of our health and the health of our dependents."

**A good deal just got a good deal better.**



# Gains despite the odds – we win

By CLARION STAFF

As editorialists around the nation cast gloom upon the future of American unions, the PSC, along with the rest of the public-sector labor movement, now faces a new challenge: organizing in the face of the *Janus* decision. Right after the close of the last academic year, the Supreme Court ruled that public-sector unions may no longer collect agency shop fees from non-members in the bargaining unit.

In a 5-4 decision this past June in the case of *Janus v. AFSCME*, the court's conservative majority ruled that mandatory agency shop fees were a form of compelled speech – despite union arguments to the court that political speech by unions is paid with other monies and that the agency shop fee system was an integral part of maintaining labor peace in the public sector.

But no matter. The line of questioning by the conservative justices during oral arguments suggested that they had already made up their minds and would do their best to financially cripple public-sector unions.

The decision was far from a surprise – the anti-union right has been pushing cases like these for several years and had a shot in a previous case, *Friedrichs v. California Teachers Association*, which would have imposed the same problem on the labor movement had Justice Antonin Scalia not suddenly died, leaving the court in a deadlock.

## RECOMMITTING TO THE UNION

Since the presidential election of Donald Trump and the restoration of the conservative majority on the Supreme Court, union organizers, along with chapter leaders, delegates and rank-and-file activists have walked through the halls of every campus, signing up previous fee-payers as full-dues-paying members and getting longtime members to sign PSC “recommitment cards.”

## Getting stronger in the face of attacks

## Strength after *Janus*



Dave Sanders

**Vickie O'Shea said it is important for members to know that dues fund the services that protect their rights under the contract.**

As a result, when *Janus* went into effect, 95 percent of the full-time instructional staff members in the bargaining unit and over 60 percent of part-timers were full members.

The union told members by email in August that “more than a thousand faculty and staff at CUNY have joined or reaffirmed their commitment to the union” since *Janus* went into effect. It went on, “PSC members are defying the right-wing attempt to crush the power of working people and our unions. The PSC is at its largest membership ever.”

These membership levels put the union on strong footing as it goes forward in bargaining with CUNY for the next contract and in seeking more funding from the state for CUNY. Just as importantly, the PSC organizing model is forever changed. Union officers, chapter chairs, rank-and-file members and union staff will continue to build networks on campuses by constantly reaching out to members – old and new – and building power by creating a strong union presence at each campus.

Much of that is already happening – chapters are building a system of department representatives so that PSC activists can meet and greet new hires at CUNY, not only to sign up new members, but to organize new rank-and-file members in the traditional sense, as active participants in the union. This massive organizing effort has already reached a few milestones. LaGuardia Community College, York College and Bronx Community College all boast a 100 percent membership rate among full-time faculty as of the end of Spring 2018.

In short, if the right-wing forces that supported efforts like the *Janus* case meant to impose a mood of despair among public-sector unionists, the effect on the PSC has been the opposite. The union is energized by its recent wins in the face of austerity and is prepared to fight for salary increases and the fair funding of CUNY.

## ADRIÁN RODRÍGUEZ-CONTRERAS

ASSOCIATE PROFESSOR, BIOLOGY  
CITY COLLEGE OF NEW YORK

When I started as a research assistant professor back in 2008, I was more focused on starting my research program and did not have time to think about issues outside my immediate professional realm. It was in 2010, after I joined the tenure-track faculty, that my awareness about the union changed very gradually, in part due to what I perceived as positive changes at the CCNY administration level.

At one of the science division retreats, I met physics professor Mike Green, and I heard about people actively working with the union. For me, union membership means the right to organize, build community and solidarity and ultimately improve working conditions for us that will benefit our students.

Paying dues is a fundamental way of supporting union efforts. For me,

since the union answers to its members, unions help represent the interests of workers and serve to keep politicians from subordinating to power structures that do not benefit the population. As a faculty member at a public university, I believe I can make a stronger connection with my students knowing that the union works to improve my working conditions and thus their learning conditions.

Unfortunately, we all witness the gradual decay of support to the public institutions at the state and national level. I know the union will not only fight to maintain the resources that public education currently has, but create additional structures that will benefit the public good. We need to remain organized so future faculty have a voice and the opportunity to participate in improving their workplace – just as we have.

## VICKIE O'SHEA

STUDENT MANAGER, ACCELERATED  
STUDY IN ASSOCIATE PROGRAMS (ASAP)  
QUEENSBOROUGH COMMUNITY COLLEGE

I started talking to people and asking them to sign the blue membership cards in late December. Most people that I've spoken to support the union and understand that if they don't pay dues it'll be devastating. People understand supporting the union means supporting the contract, and a major concern for them is the benefits.

What resonates with people is when I explain how dues directly support the union. I think a lot of people don't make the correlation. So, if dues aren't paid, the PSC cannot afford to pay the people who are there when they need them – whether it's grievance officers or lawyers for the contract. Once I explain to them all the things that our union does with the money that we're contributing out of our paychecks – that's when it really starts to hit home. They're like, “Oh yeah, I didn't think about that.” And that seems to be what drives a lot of people to say “yes” and recommit.

For me, benefits are really important. My husband is a union member and I've seen how declining membership in his union has affected his benefits. Their benefits used to be excellent. Now, they don't have dental. They lost vision care. At this point, my benefits are actually better than his. When I saw his union was declining, I realized that could happen to my union, too, unless people started stepping up. And I know that there is no better person to step up than myself. I can't ask other people to get involved with this union if I'm not going to do it myself.

## KAREN JOHNSON

CAREER EDUCATOR, CENTER FOR CAREER  
ENGAGEMENT AND INTERNSHIPS  
QUEENS COLLEGE

Before I came to Queens College, I hadn't worked in a unionized work-

place. I remember growing up and my father mentioning what his union did, but I wouldn't say I was anti-union or pro-union. I was indifferent. But once I started working at Queens College, I learned about the union and I received an HEO handbook, and I thought, “Oh, this is great.” Soon after I started, a union organizer came to my office, closed the door and explained what it meant to be a member. That meant a lot to me.

I started at Queens College in December 2013, and I started going to union events. I wanted to get a better understanding of the union. Part of it was self-serving because I wanted to know what my rights and benefits were. Seeing where I was when I started and where I am now, I know I got here because of the union. With the new contract, I got the long-awaited raises. The contract also made reclassification possible for me. When I talk to people about signing the membership card, I give them a sense of what's in it for them. I start by telling them why union membership is important to me. I then ask them about their concerns and ask them, “Do you see yourself overcoming the issues as an individual or in a union?” Most realize that there's power in numbers together.

## VALERIE SCHAWAROCH

ASSOCIATE PROFESSOR  
NATURAL SCIENCES  
BARUCH COLLEGE

I have directly seen how being a PSC member has benefited me, my colleagues and my workplace. I know that many of the positive changes that we have attained at CUNY could not have been achieved without our collective power. The union amplifies an individual's voice so that the administration listens.

There were health concerns with building construction on the Baruch campus, and with the PSC's support, administrators began to take note, met with concerned representatives and are addressing issues as they arise.

The union has also improved health benefits to include more people. Eyeglasses are an extremely expensive necessity for me. My lenses cost more than the frames – even expensive designer frames. The new improved Davis Vision eyeglass benefit covers everything: the frames plus lenses with prisms, transition features, progressive focus and corrections for astigmatism.

The union has also been proactive in improving the workplace for all. Positive changes don't always directly benefit me, but I see the indirect benefit to us all when we're able to hire outstanding professionals. The seven-year tenure clock with 24-credit-hour release time has been a boon to new hires. The 18-hour workload currently being phased in makes CUNY more competitive with similar colleges.



Art Paul

**Rebecca Smart used the struggle at Fordham as an example for PSC to follow.**



# When we stick together

As a faculty member at a public university, I know how important it is that our university be accountable and transparent to the taxpayers. By being a union member and joining with my colleagues, we all work together to create a better workplace. We vote for our union representatives, so the union is accountable to us.

**ERNST GRACIA**  
SENIOR COLLEGE LABORATORY  
TECHNICIAN, MATHEMATICS  
MEDGAR EVERS COLLEGE

I have been making sure that CLTs, both adjuncts and full-timers, who have not signed a card fill out the forms to make them union members.

Union members ask: Why is the union important? Remember, PSC-CUNY has been there in any

situation, to assist you in contract negotiations and things like that. Just become a member.

If you don't sign, we all lose.

**REBECCA SMART**  
ADJUNCT INSTRUCTOR, PSYCHOLOGY  
BMCC AND BARUCH COLLEGE

I do a lot of work with the PSC because I'm an adjunct and I teach six classes on three different campuses, at BMCC, Baruch and at Fordham, where we just negotiated a great contract. It's important to stay in the union, because if we're going to have any hope of negotiating any thing reasonable in terms of pay, the union is the best route for that.

I have spent a lot of time talking to other adjuncts, because at BMCC, we have shared office space, so

when I meet someone, I ask them if they're part-time or full-time and if they've signed their union card. It's important to step up. The PSC got us health insurance; we're one of the few unions to have that for adjuncts. These are all important.

I think the Fordham contract shows that it is possible to provide parity pay with full-time faculty. When you look at the salaries for the tenured professors and you do the math for all the work done outside of class, they're still dramatically underpaid. But it's worse for the part-timers.

Now, at Fordham we have a contract that reflects parity, and that's the language the PSC has used. The Fordham contract sets a precedent, and many other colleges in New York City have much higher pay. If CUNY wants to stay competitive,

we have this precedent now, CUNY just needs to get with the program.

**ROBERT FARRELL**  
PSC CHAPTER CHAIR  
ASSOCIATE PROFESSOR, LIBRARY  
LEHMAN COLLEGE

In every conversation I have about the PSC, I stress that "the union" is not some abstract entity in a Lower Manhattan office tower. Rather, *we* – every member of the bargaining unit, all 30,000 of us – are the union. It's our collective power that constitutes our union and makes it so important. The strength we're able to exercise together when our elected union officers sit across the table from management in negotiations, when our chapters help us address contract violations or organize campaigns around campus safety issues,

when we speak truth to power in Albany, City Hall and in the streets – that's our union and it's only possible because of what we all contribute through our dues, our voices and, most importantly, our actions.

I became more involved in the work of the union in 2004 at BMCC where I saw firsthand how local organizing can solve pressing problems in the workplace. Through the PSC Library Faculty Committee, I learned that every constituency of our bargaining unit, no matter how small, is central to the success of every contract campaign and that solidarity across titles is key to collective victory.

One of the most satisfying aspects of the last contract was seeing our adjunct faculty gain access to the city health plans and win the first path to any form of guaranteed adjunct work in our university's history. It took unity, power, trust and courage to authorize our leadership to call a strike after a long contract campaign. Standing together, we achieved significant gains on many fronts, not to mention our backpay.

## The attacks begin: how to spot them

By CLARION STAFF

Because the right had been preparing for years, the minute the decision in *Janus v. AFSCME* came down, the right-wing advertising campaign to get public-sector union members to drop their membership began. Unions from around the country heard reports of emails attempting to entice members to give themselves a raise by voluntarily leaving their union. The Supreme Court ruled that it is unconstitutional for public-sector unions to collect agency shop fees from nonmembers for the services and benefits they receive as employees represented by the union in collective bargaining.

Because the *Janus* case, and others like it, were financed and promoted by well-funded right-wing, anti-union political organizations, the immediate anti-union campaign is no surprise. While Mark Janus, the plaintiff in the case, claimed that the case was about nonmembers protecting their free speech rights, the real purpose of the case was to deprive unions of funding and to weaken their power, the end goal being to disempower the working class as a whole.

PSC members – and members of all public employee unions – must be on the lookout for the deceptive means the far right is using to diminish union power.

### FAKE ALTERNATIVES

In Florida, Texas and other states, anti-union activists have set up so-called alternatives to unions – groups with low-cost membership fees that offer certain benefits and services. The idea is to siphon members away from real unions.

The *Florida Times-Union* reported that the Professional Educators Network, "a statewide nonprofit

## Tactics by the anti-union right



Members demonstrated in Foley Square the day the Supreme Court decision came down.

that provides legal support, lawsuit liability insurance and professional development, found a major backer this summer in Gary Chartrand...a Jacksonville marketing executive [who] has also made large contributions through his foundation to Teach for America and the Knowledge Is Power Program." One of the group's supporters boasted that it "isn't political" but the group's membership costs "\$180 a year compared with \$680 for the [local teachers'] union."

The scheme couldn't be clearer: entice workers with a low-cost reason to drop their union membership in exchange for a few benefits, but without the ability to negotiate and enforce contracts effectively or to

build a democratic organization that fights for education and unites workers. Don't be fooled if you see advertisements for things like this. They aren't unions. They are union-busting tools.

### BOYCOTT BOB

Under the guise of merely informing public servants of their rights in a post-*Janus* world, one New York anti-union activist named Bob Bellafiore swung into action after the court ruling, emailing hundreds of PSC members via a new website called New Choice NY. Bellafiore claimed to the press that his group is about providing workers "factual information" about their rights, not busting unions.

The PSC said in a statement, "Don't be fooled by the false innocence of Bellafiore's email. His message is just what we expected in the weeks following the Supreme Court's *Janus* decision. It probably won't be the last such message you receive. Their aim is to change the law and the balance of power in the United States so that working people own less and less wealth, and the public sector is destroyed – or turned into a source of private profit. They are part of the same network of groups that funded the *Janus* case."

### THE BROAD ATTACK

National Public Radio correspondent and longtime education writer Anya Kamenetz investigated the well-financed groups, some of whom have influence extending into the highest reaches of the federal government.

"The Mackinac Center for Public Policy, based in Michigan, is running My Pay, My Say as a national campaign. The Freedom Foundation, with headquarters in Washington State, is targeting teachers in Oregon, Washington and California with the slogan, Opt Out Today," she wrote on NPR Ed. "Other groups targeting teachers and public employees in specific states include: the Commonwealth Foundation, the Yankee Institute for Public Policy, the Center of the American Experiment, the Center for Union Facts, and Americans for Prosperity. The outreach tactics include paper mail, phone calls, emails, hotlines, Facebook ads, billboards, TV advertising and even door-to-door canvassing. Organizations are using publicly available email addresses to reach their targets, as well as purchasing mailing lists."

The report continued, "The groups behind the opt-out campaign, which describe themselves as conservative, libertarian or free-market, share many donors in common, such as the State Policy Network, the Donors' Fund and DonorsTrust. Many of these groups have long opposed not only agency fees, but teachers' unions in general, on the grounds that they inhibit education reforms such as vouchers and charter schools."

NPR also found that this effort fit right into the vision of the nation's top education executive, Education Secretary Betsy DeVos, who has long been criticized for wanting to privatize education. "According to

**Members should look out for anti-union scams.**

an analysis of tax filings by the website Conservative Transparency, the top contributors to the Mackinac Center specifically include the Dick and Betsy DeVos Family Foundation, and the DeVos Urban

Leadership Initiative (formerly the Richard and Helen DeVos Foundation). These are the family foundations of the US education secretary, Betsy DeVos, and her husband's parents."

### STAYING STRONG

The first step in fighting off these scams is to know what they look like, where they are coming from, who is financing them and why they are coming into the inboxes of union members.

The next step is crucial: fighting back. The best way to do that is to keep the union strong and for union members to stay committed to their union in the face of these attacks. New CUNY hires can sign up for PSC membership here: [tinyurl.com/new-PSC-member](http://tinyurl.com/new-PSC-member).



# New technology for academic advising

By LIZA FEATHERSTONE

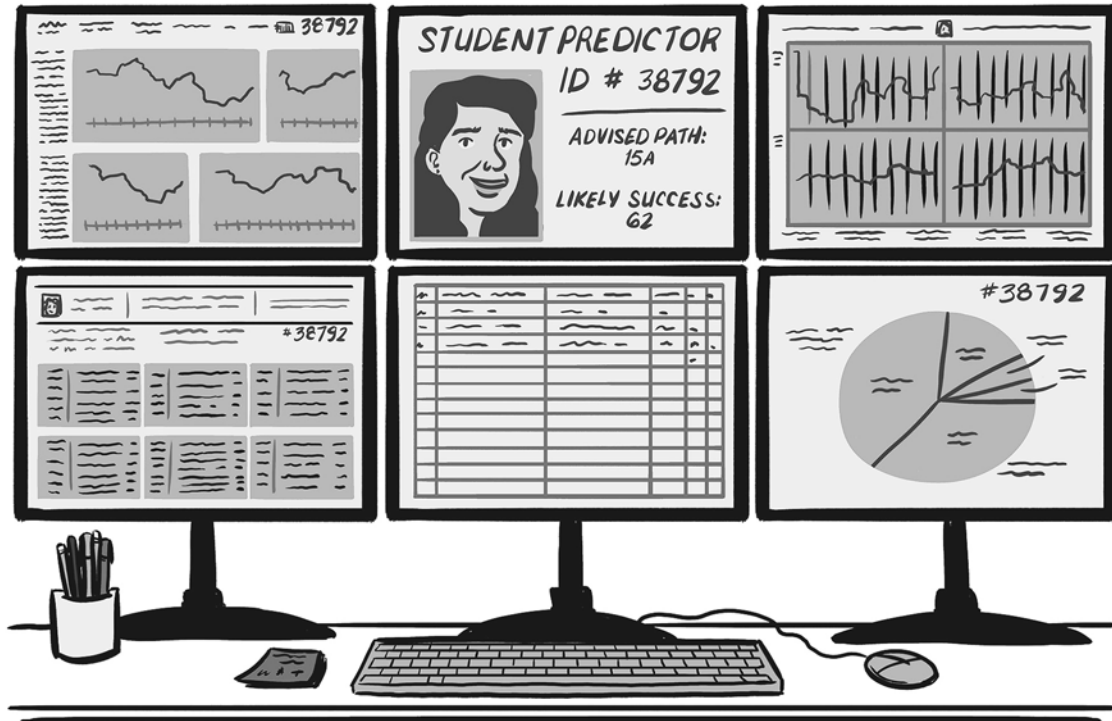
The CUNY Board of Trustees has authorized a five-year contract worth nearly \$11 million with EAB (formerly Education Advisory Board) to provide new software for academic advising in CUNYs senior colleges – essentially a computer system that uses an individual student's data, such as their grades and attendance, as a measurement for their success in higher education. Some education experts worry about the system's effects, while others question whether the expense is justified when senior colleges are being hit with budget cuts.

## DOWN SOUTH

Colleges and universities around the nation are using EAB software. At Georgia State University, which has a student population similar to CUNY's in some ways (large numbers of low-income students who are the first in their families to attend college), the results have been widely celebrated. The number of degrees granted by GSU increased 30 percent during the first five years of the program. Even more dramatic, the number of black men graduating with STEM degrees went up 111 percent.

But in her 2018 book, *Automating Inequality: How High-Tech Tools Profile, Police and Punish the Poor* (St Martin's Press), Virginia Eubanks shows that while technologies like these are often touted as a way to deliver services to the poor more efficiently, they can worsen

## Replacing human workers?



economic and social inequality. More data, she argues, can't substitute for a lack of resources.

In an interview with *Clarion* about CUNY's new EAB contract, Eubanks pointed out that there has likely been much more to Georgia State's success story than predictive analytics. Instead of using algorithms to do more with less, GSU "vastly increased its stock of resources" for academic advising. *Inside Higher Ed* reports that before the system was introduced, 1,000

meetings between students and academic advisors took place; last year, that number was 52,000. After launching the program in 2012, GSU hired 42 new academic advisors, at a cost of \$2.5 million per year.

## NEED RESOURCES

In short, Eubanks said, the Georgia State story is "the opposite" of the cases she writes about in her book, as the university was not seeking to use algorithms to deprive people of services, or as a substitute

for resources. Rather, GSU is using the technology to answer a question rarely heard at CUNY. As Eubanks put it, "How do we make good use of our vastly expanded resources?"

The lack of resources at CUNY, by contrast, could set this experiment up for failure. Jennifer Harrington, assistant director of academic advisement at Baruch College's Austin W. Marxe School of Public and International Affairs, points out that CUNY is "constantly crying poverty. They can't give adjuncts a living wage.

They can't even get the mice out of some of the classrooms." Harrington points out that most CUNY colleges also need more academic advisors, and questions the administration's judgment when it comes to investments in technology: "Look at all the money they spent on CUNYfirst, and that doesn't work very well!"

## REMAKING COLLEGE

There are other concerns about using predictive analytics in higher education. Harrington worries that advising-by-algorithm could "take away the serendipity" of the college experience. "Learning from your mistakes, figuring it out as you go along," she said, "that's the best of college."

Worse, as others predict, the numbers won't tell the whole story about any given student. The numbers might, for example, point to a student who might be excelling in grades but needs help in other areas, and would then be ignored by the predictive system. As PSC Treasurer Sharon Persinger said, "As a numbers person, I think there's more to students than numbers." Persinger is an associate professor in the department of mathematics and computer science at Bronx Community College.

John Paul Narkunas, associate professor of English at John Jay College, asked a question posed by every faculty member and scholar interviewed for this article, "Who owns the [student] data?" Narkunas, author of *Reified Life: Speculative*

Continued on page 9

# Questions adjunct reps hear

By CAROL RIAL

Since I started working as a grievance counselor for adjuncts in the CUNY system, I have noticed a pattern regarding the types of questions we respond to Monday through Friday. These are the top five questions we hear, with basic answers. Anyone with more questions is encouraged to contact a grievance counselor at the PSC office for more information.

1) *How do I know what salary step I should be on, and when do I get increases?*

Answer: When first hired as a teaching adjunct, a determination is made regarding the appropriate pay schedule (adjunct lecturer, adjunct assistant professor, adjunct associate professor, adjunct professor) and appropriate salary step within that schedule. This can be discussed with the college before you are initially hired. Most often, adjuncts are first hired at the lowest salary step of the appropriate schedule (salary schedules can be found at the PSC's website: <http://psc-cuny.org/contract/teaching->

## Some basic answers

and-non-teaching-adjunct-rate-schedule). Adjuncts are entitled to a step increase after teaching at CUNY for six semesters (including summers) university-wide within a three-year period. The union advises adjuncts to notify human resources at each college where they teach when they are eligible for a step increase because individual college HR offices do not track an adjunct's employment at other colleges and CUNY fails to track this centrally.

2) *How much can I teach in total in the CUNY system, and why is there a limitation on it?*

Answer: The limit is up to nine hours at one college, regardless of the number of courses, and one course of up to 6 hours at a second college. The non-teaching equivalent is up to 225 hours at one college and up to 150 hours at the second. A very limited number of waivers of this provision are provided by CUNY to each college and may be granted by the college at its discretion. These rules limit

CUNY's ability to hire adjuncts as de facto full-time staff without the attendant full-time rights and benefits. Different requirements apply in summer.

3) *When am I eligible for health insurance and Welfare Fund benefits?*

Answer: Adjuncts become eligible for health insurance and Welfare Fund benefits when they have taught at least one class in the previous two consecutive semesters and are teaching six or more hours in the current semester (excluding summers). If an adjunct continues to teach at least six hours per semester, health insurance will be retained. Non-teaching Adjuncts (NTAs) qualify for health insurance in their third semester of working at least 15 hours per week. In order to receive health insurance and Welfare Fund benefits, adjuncts must also certify that they are not eligible for other primary health insurance.

4) *When should I receive notification of reappointment, and if I'm not*

*reappointed, what are my options?*

Answer: If you are on a semester appointment, you must receive written notification of appointment or non-reappointment by December 1 for the following spring and by May 1 for the following fall. If you have taught six consecutive semesters (excluding summers) in the same department at the same college, you are entitled to a one-year appointment and must receive written notification of appointment or non-reappointment by May 15 for the following academic year. Under the contract's pilot program, if you qualify for a three-year appointment, you must receive a comprehensive review by the Department P&B and be notified of appointment or non-reappointment by May 15 for the following three academic years.

If you do not receive written notification by the contractually mandated date, notify an adjunct grievance counselor right away.

Every written notification of appointment must contain an adjunct's title, the duration of the appointment and hourly rate. If you believe any of those items are incorrect, notify an adjunct counselor right away.

If you receive notification that you have been non-reappointed,

notify an adjunct counselor immediately. Recourse in the event of non-reappointment is limited by contract and by precedent set in previous arbitration decisions. A grievance counselor can explain your options and help determine the best course of action, which can include grievance, informal complaint and direct discussion with the Chair.

5) *Do I have to be evaluated/observed every semester?*

Answer: Adjuncts must receive a yearly evaluation in their first four semesters of service, and must be observed in the classroom at least once each semester in their first 10 semesters of service. Subsequently, they may be evaluated/observed at their own request or at the request of their Chair. For adjuncts anticipating becoming eligible for a three-year appointment, it is important to have a strong record of evaluations and observations for the comprehensive review required by the Department P&B. See Article 18 for more details about this important provision in the PSC-CUNY contract.

Carol Rial is an adjunct grievance counselor for adjuncts at John Jay College, York College, Lehman College, City Tech and Hunter College.



# Appointments, departures at top CUNY positions

By SHOMIAL AHMAD

CUNY announced the appointment of several top administrators this summer, but not for a new chancellor. The appointments of a new Kingsborough Community College (KCC) president and interim presidents at the Borough of Manhattan Community College (BMCC) and Queensborough Community College (QCC) are expected to be approved by the Board of Trustees this fall. All three presidents come from within CUNY.

The newly appointed KCC president, Claudia Schrader, held senior positions at Bronx Community College (BCC) and Medgar Evers College. In her most recent position at BCC, she was provost and senior vice president for academic and student success. She led an expansion of the nationally recognized Accelerated Study in Associate Programs (ASAP) and contributed to an improved campus environment at BCC. “She comes from CUNY, so she knows CUNY,” said Kingsborough PSC Chapter Chair Rina Yarmish. “She was a provost, which means she has worked with faculty, so I think she will be familiar with faculty issues.”

Schrader comes to KCC as the PSC chapter there hopes to address the falling enrollment at the south Brooklyn campus that has occurred in recent years.

## NEW CAMPUS PRESIDENTS

BCC Chapter Chair Sharon Utakis described Schrader as “ambitious,” with a desire to carry out CUNY Central’s initiatives, and said that many people considered Schrader as “generally fair.”

Karrin Wilks, named as interim president of BMCC, has worked at CUNY for eight years. She has been

## CUNY candidates named to top posts



Claudia Schrader, the newly appointed KCC president, comes from within CUNY. She held senior positions at BCC and Medgar Evers.

senior vice president and provost at BMCC since 2014 and held senior positions at Medgar Evers College. “As provost, Karrin Wilks has been willing to listen seriously to faculty concerns. We expect that she’ll do the same in her new role,” said BMCC Chapter Chair Geoffrey Kurtz. “There’s an unfortunate history of mistrust between the faculty and the administration at BMCC, but there’s reason to hope that Wilks understands the gravity of that problem.”

Addressing long-standing faculty and staff concerns, including workload creep and respect for faculty’s role in governance, Kurtz

said, would be a way to ease tensions between the administration and faculty and staff. Kurtz also looks forward to working on issues such as increasing reassigned time for service and scholarship, granting workload credit for independent studies and paying adjunct faculty members for more of the work that they do outside the classroom.

The new QCC interim president, Timothy Lynch, was most recently the senior vice president for academic affairs at QCC.

“The Queensborough Chapter looks forward to working with Dr.

Lynch, an accomplished scholar. We hope he will bring effective leadership to the challenges facing the College,” QCC Chapter Chair Edmund Clingan told *Clarion*.

## Important to listen to faculty and staff concerns

Clingan said the college is dealing with a range of problems, including a rapid rise in labor grievances, plummeting job satisfaction, fallout from the State Inspector General’s report and other recent controversies on campus. “We are pleased that Dr. Lynch has started to implement the teaching workload reduction and that he has signaled his

intention to give everyone the full teaching workload reduction next year,” said Clingan.

Also, at the end of this year, Graduate Center President Chase Robinson will become director of the Freer Gallery of Art and Arthur M. Sackler Gallery, the Smithsonian Institution’s museums of Asian art in Washington, DC. An interim president at the Graduate Center has yet to be announced.

“Congratulations to President Robinson on his new position at the Smithsonian Institute,” said Graduate Center Chapter Chair Luke Elliott-Negri. “I am optimistic that he will use his remaining months as the steward of our institution to bring a number of unresolved issues to rest, including the pay and workload inequities among science fellows.”

## CHANCELLOR SEARCH

Meanwhile, Vita Rabinowitz continues to serve as interim chancellor as the CUNY Board of Trustees’ search for a new chancellor continues. Anthony Marx, rumored to have been a leading candidate and the current president of the New York Public Library, reportedly withdrew from the search, citing his desire to stay at the library. The *New York Post*, citing an unnamed source, reported this summer that other top contenders for the post are Gail Mellow, the current president of LaGuardia Community College, and Félix Matos Rodríguez, president of Queens College. CUNY has not released a list of contenders for the job, and a CUNY spokesperson told the *New York Post* that the search committee will “continue to interview candidates.”

Former CUNY Chancellor James Milliken will be assuming a new position as the head of the University of Texas System, which consists of 14 schools, including its flagship school at the University of Texas at Austin. The *Texas Tribune* reported that there are pressures to “downsize” the UT system, and one unnamed source said the UT system regents are “looking to the new chancellor to implement that.”

## CLT meeting on bullying

By CLARION STAFF

The PSC’s College Laboratory Technicians chapter will be hosting a meeting to discuss workplace bullying and workplace violence on October 1. October is National Bullying Prevention Month.

The meeting will cover topics such as how to prevent workplace bullying, defining workplace bullying, identifying the victims of bullying and searching for solutions to the problems.

The meeting will take place on Monday, October 1, from 6:30 to 9:30 pm, and doors will open at 6 pm for dinner. It will take place at the PSC Union Hall, 61 Broadway on the 16th floor, in Manhattan.

To RSVP, email Chapter Vice Chair Amy Jeu at [ajeu@hunter.cuny.edu](mailto:ajeu@hunter.cuny.edu).

## Academic advising

Continued from page 8

*Capital and the Ahuman Condition* (Fordham University Press, 2018) wonders, “Is CUNY going to use the data sell it or even more insultingly, pay all this money to the company and let the company keep it?”

EAB, the company that will provide the analytics for CUNY, was acquired last year by private equity firm Vista Equity Partners. Private equity has been responsible for significant layoffs and union-busting in both the public and private sectors.

To Narkunas, whose book focuses on higher education and neoliberalism, the deal is yet another example of “financial capitalism trickling into our public institutions.” A contract like this puts significant tax dol-

lars and enormous power in private hands, Narkunas says. “The contract is an opaque model for public accountability – private actors who don’t have to reveal anything.”

Indeed, Reuters reported in 2014 that major public pension funds had investments in Vista, the details of which were hidden by confidentiality agreements. According to the news agency, the agreements highlighted “how important aspects of the investment of public money in private equity are shrouded in secrecy.”

EAB said in a May 2018 blog post that predictive technologies are used not only by colleges for their enrolled students, but for prospective students – a “new market” that colleges can enter to seek potential

enrollees. EAB wrote, “[M]any colleges are running basic analyses to identify pools of students who fit their desired profile, usually [focusing] on grade-point averages, proximity and the like. These analyses are typically based on historical enrollment data and basic student academic information. Though helpful, the view afforded by these analyses is still too limited to inform the decision to enter a new market, given the complexity, costs and trade-offs involved.”

## EFFECTS OF AUSTERITY

CUNY’s communications office did not respond to *Clarion*’s request to interview a member of the administration about the EAB contract. However, a CUNY study on the use of technology for the years 2016 to 2020, “The Connected University CUNY Master Plan,” noted,

“Through a cost-sharing agreement with CUNY’s system administration, CUNY’s 11 senior colleges are poised to join EAB’s (Education Advisory Board) Student Success Collaborative (SSC) in 2016 – a consortium of colleges that use EAB’s predictive model to improve retention and graduation rates.”

It continued, “There is no substitute for quality, in-person advising, but we live in an age when technology can reduce the effects of less than optimal numbers of counselors and advisors. As funding permits, the university will continue to hire well-trained professionals to provide the critical support that so many students need, but at the same time will monitor advances in technology that can assist a highly burdened advisement network in areas that can contribute to student success.”



## STRIKES

# Labor's right to strike is essential

By JAMES GRAY POPE

**T**wenty-eight has seen a long-overdue resurgence in strike activity. Most spectacularly, public school teachers in the deep-red states of West Virginia, Oklahoma, Kentucky and Arizona struck despite laws prohibiting public worker strikes. So strong was their public support that none of the Republican-dominated governments in those states dared to enforce the anti-strike laws. Instead of complaining about the teachers' disruptive tactics, parents joined their calls for more public funding and higher teacher salaries. For the first time in decades, the Republicans' low-tax and anti-public-education policies faced a serious challenge in the red-state heartland.

So why did two leading New York Democrats effectively come out and say that teachers and other public workers who strike should be fired and fined? The Democrats are the pro-labor party, right? Not judging from the pronouncements of Governor Andrew Cuomo or Mayor Bill de Blasio. Both came out in support of the New York Taylor Law's draconian strike ban, which makes red-state anti-strike laws look like pieces of fluff.

Strikers can be fired and fined for peacefully refusing to work, but their leaders can be jailed and their unions fined millions of dollars. Officials have no discretion to grant amnesty in a strike settlement. Under the Taylor Law, the red-state teachers would have been punished notwithstanding the justice of their cause or the extent of their public support. So repressive is the law that it has been condemned by the Committee on Freedom of Association of the International Labor Organization, a tripartite body that includes employer representatives. The next time a Republican governor works up the nerve to enforce anti-strike laws against public workers, they'll have the satisfaction of piggybacking on those Democratic friends of labor, Cuomo and de Blasio.

## POLITICAL CLIMATE

What provoked Cuomo and de Blasio to close ranks and launch a simultaneous attack on workers' rights? Gubernatorial candidate Cynthia Nixon had the audacity to include in her platform a plank endorsing public workers' right to strike. No wonder Cuomo and de Blasio struck back: Like Bernie Sanders, Nixon threatened the grip of Wall Street-backed politicians on what was once the party of working people.

The right to strike should be a no-brainer for any self-respecting candidate who claims to care about working people. It isn't some transitory policy fix; it's a fundamental human right, recognized in international law. Without the right to strike, workers have no effective recourse against unhealthy conditions, inadequate wages, or employer tyranny. Before the American labor movement began its long decline, unions made the right to strike a litmus test for supporting candidates. Labor leaders held that anti-strike laws imposed "involuntary servitude" in violation of the Thirteenth Amendment to the United States Constitution. Corporate interests ridiculed this claim, argu-

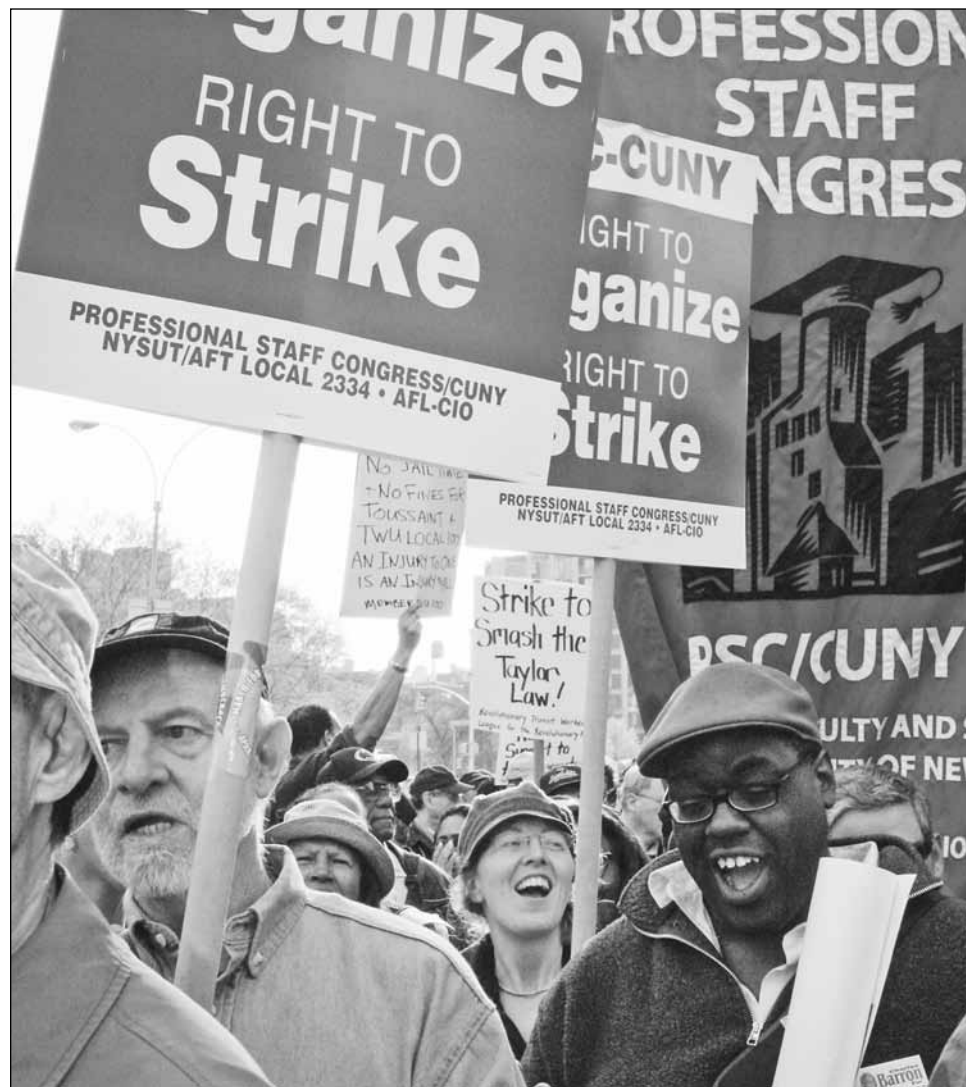
ing that the Amendment guaranteed only the individual right to quit and go elsewhere. But workers and unions held their ground. "The simple fact is that the right of individual workers to quit their jobs has meaning only when they may quit in concert, so that in their quitting or in their threat to quit they have a real bargaining strength," Congress of Industrial Organizations (CIO) General Counsel Lee Pressman explained. "It is thus hypocritical to suggest that a prohibition on the right to strike is not in practical effect a prohibition on the right to quit individually."

Labor leaders quoted the Supreme Court's statement that the Amendment was intended "to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit which is the essence of involuntary servitude." Although they never convinced the Supreme Court that this principle covered the right to strike, Congress did embrace the core of their claim when it protected the right to strike in two historic statutes, the Norris-La-Guardia Act of 1932 and the Wagner National Labor Relations Act of 1935. The "individual unorganized worker," explained Congress, "is helpless to exercise actual liberty of contract and to protect his freedom of labor."

## A DEMOCRATIC NEED

The recent teacher strikes underscore another, equally vital function of the strike: political democracy. It is no accident that strikers often serve as midwives of democracy. Examples include Poland in the 1970s, where shipyard strikers brought down the dictatorship, and South Africa in the 1970s and 1980s, where strikers were central to the defeat of apartheid. Even in relatively democratic countries like the United States, workers often find it necessary to withhold their labor in order to offset the disproportionate power of wealthy interests and racial elites. During the 1930s, for example, it took mass strikes to overcome judicial resistance to progressive economic regulation. Today, workers confront a political system that has been warped by voter suppression, gerrymandering and the judicial protection of corporate political expenditures as "freedom of speech." With corporate lackeys holding a majority of seats on the Supreme Court, workers may soon need strikes to clear the way for progressive legislation just as they did in the 1930s.

But if the right to strike is a no-brainer, then how did Cuomo and de Blasio justify attacking it? "The premise of the Taylor Law," said Cuomo, "is you would have chaos if certain services were not provided," namely police, firefighters and prison guards. If that's the premise, then why not endorse Nixon's proposal as to teachers and most public workers, and propose exceptions for truly essential services? That's the approach of international law, and that's what Nixon clarified she supports. But Cuomo couldn't explain why teachers and other non-essential personnel should be denied this basic human right. As for de Blasio, he claimed that the Taylor Law accomplishes "an important public purpose" and that "there are lots of ways for workers' rights to be ac-



PSC members marched in support of TWU Local 100 members during the 2005 transit strike.

knowledge and their voices to be heard." What public purpose? Forcing workers to accept inadequate wages and unsafe conditions? What ways to be heard? Groveling to politicians for a raise in exchange for votes?

The ban forces once-proud unions to serve as cogs in the political machines of Wall Street politicians. No sooner did Nixon endorse the right to strike than two prominent union leaders rushed to provide cover for Cuomo. Danny Donohue, president of the Civil Service Employees Association, called her "incredibly naive" and charged that "clearly, she does not have the experience needed to be governor of New York." Evidently Cuomo, who was elected governor on a program of attacking unions and followed through with cuts to public workers' pensions and wages, does have the requisite experience. John Samuelson of the Transport Workers Union, which represents more than 40,000 New York City transit workers, also lashed out, saying, "I believe that she will cut and run when we shut the subway down.... As soon as her hipster Williamsburg supporters can't take public transit to non-union Wegmans to buy their kale chips, she will call in the National Guard and the Pinkertons."

Tough talk. Roger Toussaint, the TWU Local 100 president who led a subway strike in 2005 and was jailed for it, once tagged Samuelson a "lapdog" for Cuomo. But "attack dog" might be more accurate in this case. Presented with a rare opportunity to trumpet workers' most fundamental right in the glare of media attention, Samuelson chose instead to drive a cultural wedge between traditionally minded workers and nonconformists, many of whom toil as baristas, restaurant servers and tech workers – constituencies that are fueling the anti-Trump resistance and pushing the Democratic Party to break with Wall Street.

Here we see shades of former AFL-CIO President George Meany, who helped to elect a very different Richard Nixon by refusing to endorse George McGovern, one of the most

consistently pro-labor candidates in US history, on the ground that he was supported by "hippies."

Samuelson's descent to Cuomo attack dog is inexplicable except as a response to the crushing pressures generated by the Taylor Law. He stands out from most other public-sector labor leaders not for sucking up to establishment politicians, but for minimizing it. Just two years ago, Samuelson was one of the few major labor leaders who had the guts to endorse Bernie Sanders over Wall Street's choice, Hillary Clinton. And when he was elected president of the New York local, it was on a promise to be *more* effective at mobilization and confrontation than Toussaint. Once on the job, however, he and his slate had to confront the devastating results of the strike ban. In addition to jailing Toussaint and penalizing strikers two days' pay for each day on strike, a court had fined the union millions of dollars and stripped away its right to collect dues through payroll deductions. No wonder Samuelson quietly redirected the union's strategy away from striking and toward less confrontational mobilizations and political deal-making.

## A WAY FORWARD

Any way you look at it, striking will be absolutely essential if American organized labor, now down to 11 percent of the workforce, is to revive. As AFL-CIO President Richard Trumka once warned, workers must have "their only true weapon – the right to strike," or "organized labor in America will soon cease to exist." Red-state teachers have shown the way, exercising their constitutional and human right to strike in defiance of "law." Will Democrats and labor leaders celebrate their example, or will they follow Cuomo, de Blasio and the Republicans down the path of suppression?

*James Gray Pope is a distinguished professor of law at Rutgers Law School and serves on the executive council of the Rutgers Council of AAUP/AFT Chapters, AFL-CIO. He can be reached at [jpope@law.rutgers.edu](mailto:jpope@law.rutgers.edu).*

## Anti-strike laws hinder labor



## FUNDING CUNY

# A deliberate racial and class assault on CUNY

By ASHLEY DAWSON

Branded recently as “the greatest urban university in the world,” the City University of New York is among the most diverse academic institutions in existence: three quarters of CUNY students are ethnic minorities and over 180 languages are spoken by students.<sup>1</sup> CUNY is also a peerless engine of social transformation: seven four-year CUNY campuses rank among the top 10 nationwide in promoting social mobility, and five were among the top 10 among two-year institutions for mobility rates.<sup>2</sup>

And yet, CUNY is under enduring financial attack. Of course, institutions of higher education across the country have been ravaged fiscally in the years since the Great Recession of 2008.<sup>3</sup> Governor Andrew Cuomo’s recent efforts to starve CUNY by attempting to slash its state funding are of a piece with this broader, bipartisan attack on public education.<sup>4</sup> But CUNY’s economic tribulations have a much deeper history, one grounded in the elite’s long-standing fear of an educated working class of color.

## SPIRIT OF ‘69

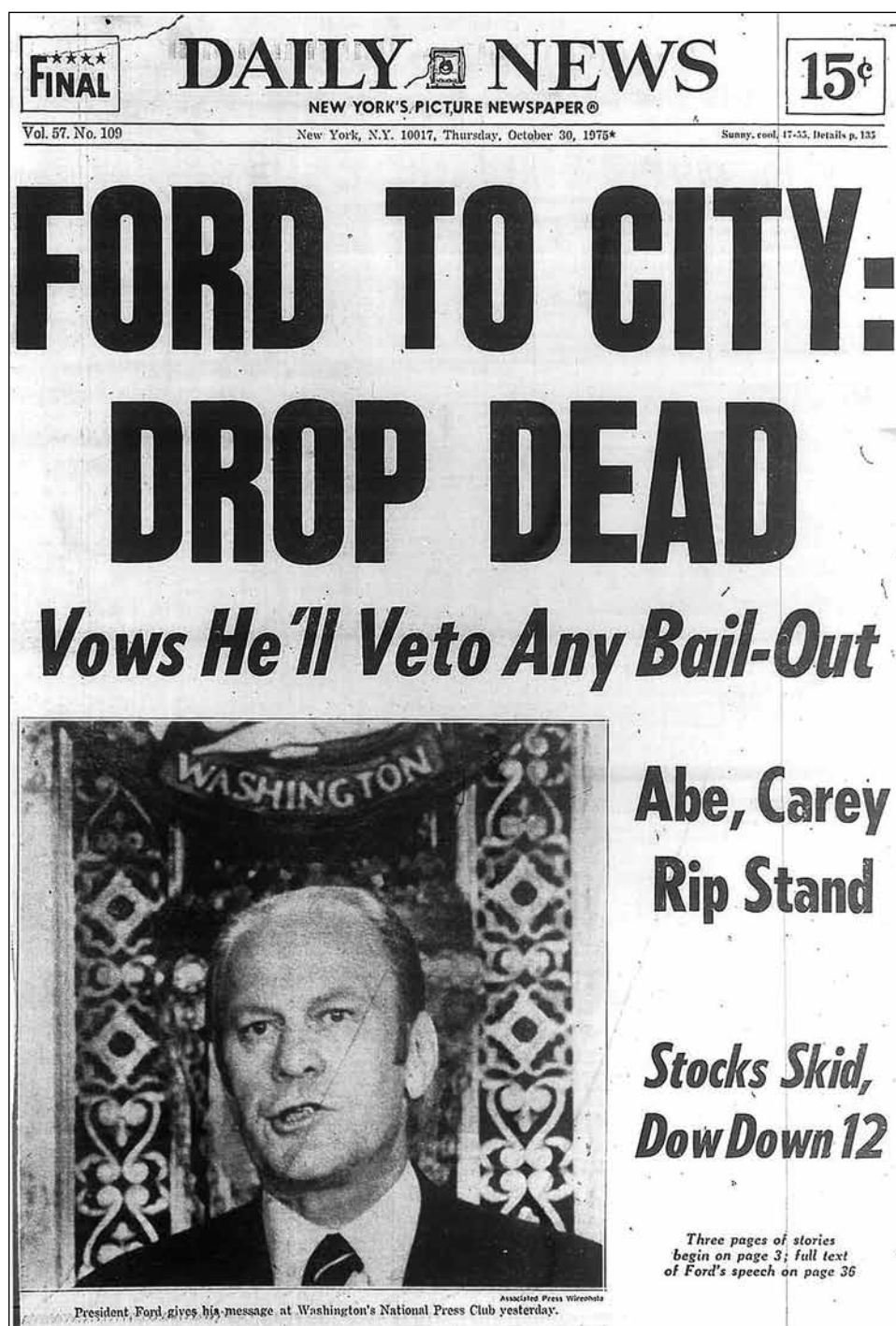
In April 1969 students held a sit-in at City College to denounce the university’s discrimination against people of color and the poor in its admissions. In response, the CUNY Board of Higher Education began open admissions for every graduate of a New York City high school and free tuition for many students. As the third largest public university system in the country, behind only the University of California and the State University of New York, CUNY was setting a progressive and potentially highly influential precedent.

Reaction against student movements, like the one that led to CUNY’s transformation, was swift and came from the highest levels. In June of 1969 President Richard Nixon gave a speech equating “drugs, crime, campus revolts, racial discord, [and] draft resistance,” and attacked campus movements such as the one at CUNY as central to a purported national crisis: “We have long considered our colleges and universities citadels of freedom, where the rule of reason prevails. Now both the process of freedom and the rule of reason are under attack. At the same time, our colleges are under pressure to collapse their educational standards.”<sup>5</sup>

## THE VP ASSAULTS

Vice President Spiro Agnew echoed these charges, arguing in early 1970 that there was too high a percentage of black students in college, that student militancy was spreading violence and that open admissions in particular was one of the main ways “by which unqualified students are being swept into college on the wave of the new socialism.”<sup>6</sup>

Nixon education advisor Roger Freeman made the target of the conservative counterattack explicit in public statements delivered later that year: “We are in danger



City institutions like CUNY are still feeling the effect of the 1975 financial crisis.

of producing an educated proletariat. That’s dynamite! We have to be selective on who we allow to go through higher education.”<sup>7</sup>

It took some time to roll back the progress at CUNY, but when New York was gripped by a financial crisis five years later, Nixon’s appointed successor, Gerald Ford, vowed to withhold federal aid to the city until it eliminated open admissions and free tuition at CUNY. To be financially responsible, Ford pronounced, New York could no longer be a city that “operates one of the largest universities in the world, free of tuition for any high school graduate, rich or poor, who wants to attend.”<sup>8</sup>

Ford’s financial threats were effective and, in 1976, CUNY ended its 129-year policy of

free tuition, obliterating the last stronghold of free public college education in the United States. It subsequently fired over 3,000 faculty members who had been hired to implement open admissions. By 1980 CUNY had 50 percent fewer African-American and Latino first-year students than it had in 1976.

## NO ACCIDENT

The systematic disinvestment of CUNY responsible for tuition increases and faculty and staff wages falling behind the salaries of our peers at other institutions is not an accident, but an ongoing conscious attack on CUNY as an engine for the working class and communities of color. The racist impact of these cuts are not an unfor-

tunate consequence, but are by deliberate, racist design.

## THE ‘PC’ RUSE

Decades of attacks on US higher education (often launched under the guise of culture-war-style assaults on “political correctness,” but really acts against the inclusion of minorities and women in higher education), coupled with today’s right-wing bullying campaigns against prominent faculty of color, and the Trump tax effort to tax graduate student tuition rebates, continue a long effort to dismantle critical thinking and progressive transformation in academia. But CUNY students and faculty have not endured these attacks quietly, they have fought back, not just as individuals, but collectively through the PSC.

Today we see a new generation of openly progressive figures entering public life in New York and around the country, campaigners not afraid to support the right to a university education by making tuition genuinely free once again. As we lend our voices to this struggle, it is worth recalling that this is a right with a long lineage, one whose extension our predecessors at CUNY fought for, a right rescinded only after a brutal campaign waged first and foremost against our great urban university. CUNY, we must remember proudly, is dynamite!

## (Endnotes)

- 1 “A Profile of Undergraduates at CUNY Senior and Community Colleges: Fall 2015,” [http://www.cuny.edu/about/administration/offices/ira/ir/data-book/current/student/ug\\_student\\_profile\\_f15.pdf](http://www.cuny.edu/about/administration/offices/ira/ir/data-book/current/student/ug_student_profile_f15.pdf)
- 2 “Colleges with the Highest Student-Mobility Rates, 2014” *The Chronicle of Higher Education* (15 Oct 2017), <https://www.chronicle.com/article/Colleges-With-the-Highest/241450>
- 3 Nirja Chokshi, “The Economy is Bouncing Back. But Higher Education Funding Isn’t,” *The Washington Post* (13 May 2015), [https://www.washingtonpost.com/blogs/govbeat/wp/2015/05/13/the-economys-bouncing-back-higher-education-funding-isnt/?utm\\_term=.e353a931d79a](https://www.washingtonpost.com/blogs/govbeat/wp/2015/05/13/the-economys-bouncing-back-higher-education-funding-isnt/?utm_term=.e353a931d79a)
- 4 “Cuomo to Continue Shrinking State’s Share of CUNY’s Costs” *The New York Times* (15 Jan 2016).
- 5 Richard M. Nixon, speech delivered at General Beadle State College, South Dakota, June 3, 1969, *Public Papers of the Presidents of the United States: Richard Nixon, 1969* (Washington: U.S. Government Printing Office, 1971), p. 429.
- 6 Spiro Agnew, “Threat to Educational Standards,” speech at Republican fundraising dinner, Des Moines, Iowa, April 14, 1970, in Immanuel Wallerstein and Paul Starr, eds., *The University Crisis Reader: The Liberal University Under Attack* (New York: Vintage Books, 1971), p. 320.
- 7 “Professor Sees Peril in Education,” *San Francisco Chronicle*, October 30, 1970.
- 8 Speech by Gerald Ford to the National Press Club, October 29, 1975, as reported in *The New York Times*, October 30, 1975.

Ashley Dawson is a professor of English at the College of Staten Island and the Graduate Center. He is the author, most recently of *Extreme Cities: The Peril and Promise of Urban Life in the Age of Climate Change* (Verso).

## How the powerful targeted CUNY





## 15-MINUTE ACTIVIST

### Turning out for 9/27

If you can come to the union's September 27 Financial District rally for a just and timely contract, that's great. But if you can't, you can still do your part to get the word out and build the union's presence.

Clip the advertisement for the rally at the bottom left of

page 3 of this issue, and post it somewhere on your campus where your colleagues will see it. Email your co-workers about it. Bring it up and remind your fellow union members of how important this rally is for building the movement for our contract.

Professional Staff Congress/CUNY  
61 Broadway, 15th Floor  
New York, New York 10006  
Return Service Requested

NonProfit Org.  
U.S. Postage  
**PAID**  
New York, N.Y.  
Permit No. 8049

12

## UNION VIEWS

Clarion | September 2018

### FIGHTING BACK

# Why Wall Street on September 27

By BARBARA BOWEN

PSC President

Welcome, new members, and best wishes for the academic year to all. I hope you took time for rest and renewal over the summer.

Time is a union issue – some would say the biggest union issue of all. Time for ourselves and for those we love is a provision won by the union and protected by our contract. It's not a gift from the employer. In the austerity conditions under which we labor at CUNY, time for our own scholarly work or just for rest is one of our most important union protections. Claim it!

Something amazing happened in the PSC last year: 13,000 people reaffirmed their membership in the union. Defying well-funded and racist attacks on unions and working people, CUNY faculty and staff embraced our right to belong to a union. In our thousands we signed up to renew our commitment to be dues-paying PSC members. Let's celebrate that choice and what it means in the current political moment. Let's make this an important union year.

#### MASSIVE RESPONSE

Start by taking a look at the photo on this page. It's from the protest the PSC organized for all workers in New York City on the day the Supreme Court released the *Janus* decision, which "weaponized" the First Amendment against the rights of workers, as Justice Kagan wrote in her dissent. What is fascinating about that protest in Foley Square – which attracted nurses, construction workers, hotel workers, clerical workers and transit workers, along with hundreds of PSC members – is how it came, over the summer, to be the visual definition of union resilience.

All through the summer, and as recently as last week, photographs of our Foley Square rally, usually without indication that it was a PSC event, appeared in reports about the resurgence of the union movement in defiance of the *Janus* decision. (Visit the News page of the PSC website to see the entire list.) *The New York Times* used photographs of the event in three separate pieces, and similar photos appeared in the *Guardian*, CBS News, *The American Prospect*, *Jacobin* and many other publications. What does that tell us? First, that more unions should have been out



Hundreds of union members protested in Foley Square on June 27.

demonstrating on that day so that all the photos would not have to come from one event! But more important, it tells us that unified, multi-worker, unafraid public demonstrations are a sign of hope. Readers are hungry for images of organized resistance to the destruction of the lives and power of ordinary people. Working people and progressives across the country have been energized by political candidates who represent a new progressive politics, but they also recognize that there is no progressive political change without mass movement.

#### CONTRACT TIME

PSC members have a chance to define mass action again on Thursday, September 27. We are taking our contract fight straight to the heart of political and financial power, to the heart of the class interests behind the *Janus* case and the underfunding of CUNY: Wall Street. I am asking you to be there. The PSC's Foley Square demonstration in June, which was organized within hours of the *Janus* decision, made its own modest visual history. I believe we can make history again with a bigger action on September 27.

The demonstration will make visible and public our demand for a contract that sup-

ports us in the work of offering college education to the working class, the middle class and the poor of New York City. It will challenge the grossly unfair distribution of resources in this city and state, including the resource of college education, by demanding full funding of CUNY and our contract. It will call out the city's billionaire class for engineering a tax structure that allows one of the city's greatest assets, its public university, to remain sickeningly underfunded. And it will insist that those who teach and serve the working people of New York, its immigrants and its communities of color, must be paid a fair wage.

When the PSC demands salaries and working conditions that allow us to offer the best possible education at CUNY, we are taking a stand against the austerity policies of Wall Street and its supporters in elected office and the CUNY Board of Trustees. A massive union presence in the heart of the finance district will send a message that cannot be missed – and will demonstrate our collective resolve to the CUNY trustees and State and City governments.

The PSC bargaining team negotiated aggressively for a new contract throughout the summer and made good progress, as you'll

read in the report on page 3. We have presented deeply researched arguments for our needs – starting with a salary increase. We also argued strongly for tuition waivers for the children of full-time faculty and staff, for equity salary increases for the lowest-paid full-time positions, for many other improvements, and for our breakthrough demand: an increase in adjunct pay to \$7K per course. Why would raising adjunct pay be a breakthrough – for all of us? Because allowing CUNY to pay an insulting, poverty-level wage to half of the teaching force shortchanges our students' education, devalues the work each one of us does, and exerts downward pressure on all of our salaries. Funding for the increase in adjunct pay will require new investment, beyond the usual contract settlement, and that investment will benefit all of us. The September 27 rally will demand an alternative to zero-sum budgeting for CUNY and call on the trustees to have the backbone to demand new investment.

#### A FAIR OFFER

Significant progress has been made at the bargaining table, but CUNY has still not made an economic offer to the union. No agreements on the major issues of salary and other economic improvements can be reached until there is an offer on the table. The September 27 rally will demand an offer – and a fair one. I do not expect the current contract negotiations to take nearly as long the six years of the last round, because the political and economic circumstances are different, but we are now nine months without a contract. It's time to increase public pressure.

The PSC's long history with CUNY management, and with elected officials, has shown that contract settlements are reached only when the union exercises its unique capacity for collective action. State and City governments have tremendous power, and even the CUNY trustees have power, but only the union has the power of collective action. We need to use it now, as we used it to defy the naysayers in the last round and win back-pay, and as we used it to gather workers across the city in the resonant Foley Square protest against *Janus*.

You chose union membership. You chose the power of belonging. Choose to exercise that power on Thursday, September 27. I'll see you on Wall Street.

## Working people are energized.