

Dear colleague: Don't be a strikebreaker **Guidance for Penn faculty, by Penn faculty**

For the past year, graduate research and teaching assistants in [GETUP-UAW](#) have been [negotiating their first contract](#) with the Penn administration, seeking protections against discrimination, support for international workers, and fair pay and benefits. GETUP's proposals would make Penn a better, more equitable place for all of us to research, teach, and learn.

In response, the Penn administration has hired the high-priced law firm Cozen O'Connor to run an anti-union campaign and has [stonewalled at the bargaining table](#). Given the administration's intransigence, it would be understandable if graduate workers voted to strike this year.

How does this affect you?

The Penn administration is currently reaching out to chairs, graduate chairs, and faculty to ask us to make plans to "maintain teaching continuity" during a potential strike.

[This is strikebreaking. Don't do it.](#)

IF GETUP VOTES TO STRIKE...

- Do not grade assignments or submit grades for classes where TAs and graders who are GETUP members normally do that work. This means anyone in a PhD or Masters program.
- Do not teach sections, courses, labs, or office hours that are normally taught by striking GETUP members.
- Do not hire additional undergraduate TAs, postdocs, lecturers, or others to do work that is normally done by GETUP members.
- Do not assign work from a striking TA or research assistant to one who is not striking.
- **Do not report the names of strikers** or strikebreakers. Administrators ask faculty for this information in order to retaliate against workers exercising their legal right to strike.
- Do not ask striking workers to provide grades to you.
- Do not retaliate against graduate workers for striking. That is illegal.

DO...

- Talk with TAs or RAs you work with. Ask how you can support their contract campaign.
- Talk to your students and explain why you are respecting the strike, and why a fair contract for graduate workers will make Penn a better place for them to learn.
- Talk with your colleagues and share this guidance with them.

Not sure what's right for you and your students? Consider these FAQs:

Q: Won't it hurt my students if I don't submit grades or teach recitation sections?

Strikebreaking will not help your students.

GETUP is bargaining for equitable conditions—protection against discrimination, support for international workers, and fair compensation—that will make Penn a better place for students to learn. Supporting their contract campaign is the most just and effective way to ensure that the administration meets those demands. It can do so today—and if it does, students will be able to go to class and receive grades on time. The more unified faculty and students are behind graduate workers, the more the administration will recognize that it needs to reach a fair agreement quickly.

Q: Won't strikebreaking help me and my department get through the semester with as little damage as possible?

Strikebreaking will in fact threaten your teaching and research, your integrity, and your ability to work with TAs, RAs, and colleagues, now and down the road.

As faculty, our research and teaching depend on the work of graduate research and teaching assistants. Relations of trust, mutual respect, and reciprocity are foundational to our ability to work together. When administrators ask you to be a strikebreaker, they are asking you to compromise your own working relationships and your integrity. Your colleagues will not soon forget the decision you make. Strikebreaking will damage your ability to collaborate with colleagues and recruit graduate students in the future.

Q: Isn't it our responsibility to cooperate with the administration?

Faculty are not extensions of the university administration, and we are under no obligation to carry out their anti-union campaign.

GETUP is not bargaining with us but with the central administration—their employer *and ours*. In important ways, we have more in common with graduate workers than with the administration. Have you ever wished that you had a stronger voice at Penn, better protections against discrimination, or fairer working conditions? Have you ever seen the administration and trustees pay lip service to shared governance while cutting faculty out of critical decisions? GETUP's contract campaign is one step toward rebalancing power relations between the central administration and Board of Trustees, on the one hand, and those of us who do the work of research and teaching, on the other. Rebalancing those power relations will be good for all of us.

Q: Does a strike threaten international graduate workers?

One of GETUP-UAW's top priorities is winning stronger support for international graduate

students—and Penn is fighting them on that issue. By supporting the union, you can help international graduate workers win the protections they need and deserve.

It is also essential to understand that international graduate workers have the right to strike under U.S. labor law. The 1935 National Labor Relations Act establishes the right of employees to strike, no matter their immigration or citizenship status. Under that law, it is illegal for an employer like Penn to retaliate against international graduate workers—or any graduate worker—for exercising their right to strike.

Q: What is GETUP-UAW bargaining for, and what's the status of negotiations?

Graduate workers have three major priorities in contract negotiations. You can see every proposal that GETUP has submitted, and Penn's responses, at GETUP's [bargaining portal](#).

1. **Increased support for international graduate workers.** Graduate workers are asking Penn to provide financial support for out-of-pocket fees relating to visas and other immigration proceedings, as well as nonmonetary support—for instance, reasonable efforts to provide new employment when a graduate worker's immigration status changes. Status: The Penn administration has rejected nearly all of GETUP-UAW's proposals.
2. **Stronger policies prohibiting discrimination and harassment.** GETUP has proposed very simple contract language that the university has rejected: *"The University of Pennsylvania shall not discriminate against any Graduate Worker on the basis of race, color, sex, sexual orientation, religion, creed, national origin (including shared ancestry or ethnic characteristics), citizenship status, age, disability, veteran status or any other class protected under applicable federal, state or local law. Penn shall prohibit harassment on any basis, including sexual, racial, ethnic, religious, or gender harassment."* GETUP has also proposed language stating that the University will "make best efforts" to ensure access to gender-neutral bathrooms, and the administration has rejected that language.

In fact, the administration has refused to put any antidiscrimination language in the contract except references to the university's existing policies, which it can change unilaterally at any time. The purpose of collective bargaining, and of a union contract, is to give workers a democratic voice in determining the policies under which they work, and to make those policies legally enforceable—not mere promises that the employer can retract unilaterally. Penn's position shows its unwillingness to accept that basic principle of collective bargaining and workplace democracy.

3. **Fair pay and benefits.** According to the MIT Living Wage Calculator, Penn's current graduate stipend (\$39,425) is \$12,942 below a living wage in Philadelphia for a single person with no dependents (\$52,367). Graduate workers have no guaranteed access to dental or vision coverage, and Penn pays 0% of health insurance premiums for their dependents, meaning that if a graduate worker has a child or an international spouse, they must pay \$4,000 to add them to their insurance policy. GETUP is bargaining for conditions that are now standard at other

universities: a living wage, 6 years of funding, and comprehensive benefits for graduate workers and their family members.

Status: After a year of bargaining, Penn has only reached agreements on a third of articles and has not responded to any of GETUP-UAW's economic proposals.

Q: Why is bargaining taking so long?

When workers decide to organize unions in the United States, over 3/4 of employers hire anti-union law firms and consultants to combat them. Since the 1970s, these firms have provided employers with a standardized repertoire of anti-union tactics that are used across the U.S. economy.¹ One tactic is to drag out contract negotiations for years. The goal is to demoralize workers, convince them that it isn't worth having a union, and ultimately organize workers to decertify the union—that is, to vote out the union that they just voted to create.

Penn has followed this playbook for years, employing the law firm Cozen O'Connor to run its antiunion campaigns. When Penn Museum workers voted to unionize in 2021, it took them two years to win a first contract because Penn stonewalled at the bargaining table.

Q: Is it strikebreaking for me, as a faculty member, to continue teaching the parts of a class that I usually teach myself—for instance, continuing to offer lectures in a class where a TA normally teaches recitation sections, or continuing to teach seminars where I am the only instructor, or continuing to hold my own office hours at the time I usually do?

No, this is not strikebreaking. You can continue to do the parts of your job that you normally do. Just don't do someone else's job when they're on strike.

Q: Is it strikebreaking for me, as a faculty member, to continue working in my own lab when research assistants are on strike?

No, this is not strikebreaking. You can continue to do your own job.

Q: What protection do I have if I refuse to participate in strikebreaking?

The most important protection you have is the solidarity of your colleagues: talk with them. If you and your colleagues together make a commitment not to serve as strikebreakers, there is safety in numbers. The administration is unlikely to retaliate against you when the majority of your colleagues have your back.

¹ John Logan, "The Union Avoidance Industry in the United States," *British Journal of Industrial Relations* 44, no. 4 (Dec. 2006), 651-675; Richard W. Hurd and Joseph B. Uehlein, "Patterned Responses to Organizing: Case Studies of the Union-Busting Convention," in Sheldon Friedman, Richard W. Hurd, Rudolph A. Oswald and Ronald L. Seeber, eds., *Restoring the Promise of American Labor Law* (Ithaca, NY: ILR Press, 1994), 61-74; Kate L. Bronfenbrenner, "Employer Behavior in Certification Elections and First-Contract Campaigns: Implications for Labor Law Reform," in Friedman, et. al., *Restoring the Promise of American Labor Law*, 75-89; Lane Windham, *Knocking on Labor's Door: Union Organizing in the 1970s and the Roots of a New Economic Divide* (Chapel Hill: University of North Carolina Press, 2017) 57-81.

Furthermore, just as graduate workers have the legal right to strike, you have rights under the Faculty Handbook—rights that you and your colleagues can exercise and defend collectively.

All faculty members—tenure-track and non-tenure-track: Under the Faculty Handbook, [II.E.1](#), faculty have the right to participate in determining teaching loads: “Teaching loads, which may vary from time to time, are determined by the dean of each school in consultation with the faculty, the department chair and the Provost.” Administrators and chairs can not unilaterally dictate teaching loads by instructing faculty to take on other people’s teaching responsibilities on top of our own with no compensation. The Faculty Handbook gives us the right to say no to such a unilateral request.

This provision applies equally to tenure-track and non-tenure-track faculty members, including those classified as “academic support staff.” As the Faculty Handbook states in section [I.E](#), “The faculty of a school consists of the members of the Standing Faculty, the Standing Faculty-Clinician-Educator, the Associated Faculty, and the Academic Support Staff.”

If administrators try to retaliate against you for exercising your rights under the Faculty Handbook, that may be grounds for a grievance. The Faculty Handbook narrowly defines the reasons for which faculty members may be subject to sanctions; the grounds are restricted, and faculty are entitled to due process and grievance procedures. If you experience retaliation or threats, [contact](#) your colleagues in AAUP-Penn (faculty members like you from across the university) to talk confidentially about your options.

Chairs: Part [I.G.4](#) of the Faculty Handbook makes clear that chairs are not exclusively responsible to the administration. They also have the responsibility to advocate for the needs of their department and all those working in it. Furthermore, they have the responsibility to make decisions that will benefit their departments and maintain an environment of “collegial respect”:

“In aid of the development and maintenance within the department of collegial respect for the educational enterprise, the chair is responsible not only to the dean but also to the department as a collectivity for the conduct of its affairs... The chair has the obligation to foster the welfare of the department's entire staff and to encourage and facilitate their work and professional development. The chair should take the initiative in reporting the needs and championing the legitimate causes of the department to the Dean.”

Refusing to organize strikebreaking within one’s own department would be fulfilling these duties. Being punished for that could be grounds for a grievance.

Graduate chairs: Part [I.G.5](#) of the Faculty Handbook defines the responsibility of the graduate chair, and that responsibility is not to the administration: “The chair of a graduate group is charged with the responsibility of leading and coordinating the work of the graduate group faculty in the discharge of their responsibilities.” The graduate group’s

responsibilities are in turn defined in Part [I.E.](#) of the Faculty Handbook, which states that the faculty of the graduate group are responsible for ensuring “the academic quality and effectiveness of a graduate program.” There is nothing here to suggest that graduate chairs have any conceivable responsibility to participate in strikebreaking, and there are good grounds for graduate chairs to refuse to participate in an antiunion campaign that will harm TAs and RAs, prevent graduate workers from securing equitable working conditions, and thereby make Penn’s graduate programs less competitive and attractive to applicants in the future.

Q: I am concerned that a strike will create more work for me or for others in my department.

A strike itself does not create work for you; it is the Penn administration that is asking you to do more work by serving as a strikebreaker. They are asking you to do the jobs of striking workers on top of your own job, and to surveil and report on strikers to facilitate administrative retaliation. You have no obligation to do these things and should simply decline.

Other questions or concerns? Reach out to your colleagues in AAUP-Penn—faculty members like you from across the university: aaup.penn@gmail.com