

Graduate Teaching Assistants Coalition, AFT Local 6403
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From the Desk of President Neill Kennedy



Dr. Barbara Bichelmeyer
Office of the Provost
1450 Jayhawk Blvd. Room 250
Lawrence, KS 66045

April 22nd, 2020

Dear Provost Bichelmeyer,

On behalf of the Graduate Teaching Assistants Coalition, we welcome you to the University of Kansas.

We have eagerly anticipated your arrival, and had hoped to make the most of our shared opportunity to construct a cooperative and harmonious relationship between your administration and our union, much like the cooperative relationships we enjoy within most departments. **We know that together, we can do better.**

Instead, we face a season of crisis, without time to establish good faith or strong channels of communication.

In light of this, please understand that the frankness of this communication is not intended as hostility but is instead a signal of trust and hope. We trust that you will recognize our real desire to build a functioning relationship, as well as our hope that we can begin to establish positive communication even through such trying circumstances. We would like to reiterate that we *are* glad you're here, that we would rather fight together for increased funding at the statehouse than to fight one another on campus, and that we truly believe that there are no obstacles between us that cannot be overcome with full communication and cooperative intent.

We also want to acknowledge the difficulties you have inherited as Provost, even aside from the pandemic. We see and appreciate your personal efforts to make the best possible decisions in an almost impossible situation. We genuinely empathize with this and find ourselves in an analogous position, in which we are laboring to make the best possible decisions for our workers, our students, and our shared mission under those same conditions.

Within our larger union, the American Federation of Teachers, we refer to times like these as 'building the plane as we fly it'. Luckily, much of our particular labor relations plane has been pre-built for us by the Kansas State Legislature through the Public Employer-Employee Relations Act (PEERA), K.S.A. 75-4321 et seq., which is attached for your consideration.

PEERA is the state law governing relations between public employers and unionized public workers. It outlines our respective rights and responsibilities and describes the attitudes that must guide our relations. PEERA specifies the ways and areas in which the University must work with us as equal partners and orders both public employers and public workers to communicate freely and act cooperatively. Additionally, PEERA provides clear guidance on the means to develop such a cooperative and harmonious relationship.

PEERA also explicitly names the most common obstacle to developing such a relationship: *“The denial by some public employers of the right of public employees to organize”*, and *“the refusal by some to accept the principle and procedure of full communication between public employers and public employee organizations”*. In our case, this refusal by some University administrators is the only obstacle between us.

Finally, we have generations of legal decisions made by the Public Employee Relations Board (PERB) and the Kansas Supreme Court regarding the application of PEERA within Regents’ institutions. This jurisprudence has continuously affirmed our right to an equal say in our work, which can be only changed through our grievance process, formal negotiations, or other mutually agreed circumstances wherein we engage with an affirmative willingness and make a good faith effort to resolve issues; they cannot be changed unilaterally by either party.

We recognize the time required to become familiar with both sets of labor laws applicable to University workers. We are sharing this in the hope that the University’s recent decisions stem from an understandable lack of time rather than a continuation of the willful rights violations we experienced with previous administrations. Those violations include consistent efforts of some administrators to interfere with union communication and relations, attempts to intimidate and threaten exploited and injured workers, to harass workers and officers, and an overall refusal to abide by the plain language of the employment contract negotiated between GTAC and the University. Collectively, this has led to multiple ongoing lengthy and expensive filings against the University by GTAC.

Most of the key violators are no longer at our University, but their negative influence will continue to affect our relations until the remaining staff receive new guidance. Moving forward, we would prefer for both GTAC and the University to treat our interactions as opportunities for mutual problem-solving aimed at fulfilling our mission, rather than continuing the University’s view of all interactions as “inherently hostile” oppositional engagements.

Relatedly, GTAC recently became aware of ongoing crisis discussion meetings between University administration and University Senate representatives. The University excluded GTAC representatives and held that if graduate teachers felt we needed representation in these matters, we should reach out to Student Senate. Please understand this is a clear violation of PEERA. **GTAC is the exclusive bargaining agent for GTAs at the University of Kansas**, and while we deeply appreciate the advocacy work of our Student Senate representatives, they cannot speak for GTAs on either a legal or practical level.

Finally, we cannot allow increased exploitation of our GTAs nor can we accept continued violations of our negotiated contract and rights as unionized workers. If the University looks to make changes to our work, even in the face of an emergency, it must come to an agreement with GTAC. President Neill Kennedy is empowered to negotiate emergency changes to our contract, as well as to bring and settle grievances, to press formal charges against the University based on the illegal actions of its agents, and to trigger impact bargaining, a tool used only when no other avenue of cooperation remains.

During a meeting with President Neill Kennedy on Monday, March 23rd, the University held that everyone in the Jayhawk community has a responsibility to do their best to make this plan work. As a workers' union, which is a solidarity-based organization, we cannot agree more. However, by continuing to deny our rights as unionized workers and to exclude us not only from the decision-making process, but from even the most basic notification of plans affecting us, the University continues to make clear that we are not a part of that community.

We believe any measures taken by the University must prioritize the need of our most vulnerable individuals. In reviewing the University's ongoing response to this crisis, we find a distressing lack of consideration for both the immediate and long-term needs of our International and graduate workers. In evaluating our role in appropriate crisis response and management, we cannot see that our participation in this Covid-19 emergency response plan would serve our students, our University, or ourselves as workers.

Further, we believe this emergency response plan not only falls short of our shared duty to protect our students and workers but is actively and continuously harmful to our mental health, our physical well-being, our ability to teach and learn, and to our families who suffer alongside us. Many of our students report and/or show they cannot produce quality work under these conditions, nor can we achieve the quality of teaching to which our students are entitled. As many departments regard this semester as complete in terms of in earning a grade, continuation of these courses needlessly resigns many of our GTAs to practice only the motions of education.

At the same time, the number of GTAs reporting to us with escalating mental health conditions that will force them to seek emergency in-patient treatment has increased sharply, as has the number of GTAs reporting to us with suicidal depression. In either case, the labor of these workers will very shortly cease to be available, and we prefer the University make the compassionate and expedient decision to cooperate with the immediate discontinuance of most courses taught by GTAs before the damage caused to our workers becomes irreversible.

This analysis may exclude factors of which we remain unaware due to our exclusion from the decision-making process and so we remain open to new information and perspectives. But we must ultimately make decisions based on the information available to us. As such, we have concluded that this emergency response plan fails to account for the very real trauma caused by forcing teachers and students to prioritize coursework over our physical and mental health, our own education and careers, or the needs of our families and community. In addition, we find no justification for the forcible diversion of our own limited resources from our most basic human needs to the production of work for the University.

Because GTAC has a responsibility to uphold the laws of our state and to serve the people of Kansas to the best of our ability according to the framework of these laws, we must disengage from this harmful course of action. Consequently, we are actively enforcing those terms of our contract which are being negatively affected by the University's emergency response plan.

Within these terms, GTAs are free to use only those instructional materials provided by the University, to decline use of their personal computers or utility services to fulfill their job duties, and to complete only those job duties as were provided specifically to each worker in writing at the beginning of the semester. At the same time, we will also increase our efforts to assist GTAs in utilizing our negotiated work adjustments, which function as paid sick leave, as well as our paid leave granted by the Families First Coronavirus Response Act (FFCRA).

Finally, we would like to address our immediate financial needs. We understand that the University feels as though funds are not available to fulfill its ethical duty to support the workforce which sustains the University. However, we have determined several avenues through which the University can amply fund our work and studies beginning with the revenue we create, using our seven elected GTAC officers as a sample group.

GTAC consists of around half of the teaching workforce at our University, including many instructors of record who independently teach our own courses. Collectively, the seven GTAC officers are responsible for educating 229 students. We teach first year students, first generation students, Capstone courses, and Masters students. Graduate teachers who are not yet instructors of record independently lead discussions, directly teach labs, critique and grade academic work, and altogether labor as the immediate and frontline instructors of our students. All too often, we also create the curriculum, for which we receive neither compensation or recognition.

Calculating for both in-state and out-of-state tuition, these 229 students paid \$351,974.56 in base tuition in exchange for the labor of our seven officer this semester. Of this \$351,974.56, we will receive \$53,250 before taxes, campus fees, course fees, and other imposed fees. After taxes, we will receive roughly \$1,200 per month, which is considerably lower than the minimum cost of living and is less than 12% of the cash we generate.

The labor of our seven officers generated nearly a million dollars for the University over the last calendar year. There are 1,155 graduate teachers generating these levels of revenue, and yet we are facing houselessness, hunger, and loss of healthcare during a pandemic. Our International workers are especially harmed by these decisions because of their visa restrictions – if forced to return to their families, they may never be allowed back. If not allowed to finish their degrees, we will have stolen years of their lives and work.

Again, this cash - \$351,974.56 – is the base tuition paid by our students specifically for our services. The University also collects from our students extensive course fees, infrastructure fees, and the additional fees paid by undergraduate students in many of our schools and departments which range from \$25.00 to \$332 per credit hour. It is clear that any necessary reallocation of financial resources should not impact any area directly relating to our GTAs, as we generate enough revenue in base tuition alone to pay for ourselves and for the needs of our entire departments in fulfilling half the teaching mission of our University.

As we consider this, we reflect upon the priorities shown in both the budget planning and actual expenditures of earlier administrations. We believe the cuts made to our Libraries, Schools, and the College did not serve the mission of our University. We have been concerned for some time about the differences between our budgets and actual spending, and the refusal of some administrations to release those financial records in violation of both state and federal law. We are also disturbed by the frequent and expensive reorganization of our administration, which makes it difficult for our students and Kansas taxpayers to determine if their tuition and taxpayer dollars are used responsibly over time. Additionally, we believe that if these deficiencies were to be considered by our Legislature, our funding would be negatively affected.

However, we are pleased to announce that within our own analysis of the finances of our University, as assisted by our Research & Strategic Initiatives Department at the American Federation of Teachers headquarters in Washington D.C., we have identified opportunities to shift University expenditures in such a way as to not only render unnecessary any further gutting of our Libraries and/or the College of Liberal Arts and Sciences, but to in fact restore our College and Libraries to 2016 levels. While those 2016 budget allocations reflected the state-wide deficiencies caused by the ALEC-sponsored HB 2117 tax experiment, a return even to those substandard levels of funding would be an improvement and would allow us to better fulfill the mission of our University.

We are unsure of the utility of predictions regarding the aftermath of this unprecedented event, particularly as student debt forgiveness and monthly stimulus payments are being considered. However, if the University must make financial decisions right now, we do not believe it would benefit any of us to cut the very utilities which will be needed in all but the worst possible outcome. Instead, let us work together to reorder our priorities and financial allocations in such a way that we can restore the College and our Libraries, and serve as a beacon of both responsibility and hope to our students, graduate workers, faculty, and sibling institutions across our state.

We will continue our analysis over the coming weeks as we look to expand our plan. Specifically, we aim to include the restoration of funding to the Schools of Music and Social Welfare and end the threat of added cuts to our other Schools. Towards this end, our results will be published on our website at gtacunion.org, shared on our Facebook Page to the general public, and discussed within our private GTA-only Facebook group and via our other more traditional means of communication. Because we value the participation of the public whom we serve, we will also be holding open Q&A Zooms for both our GTAs and the general public, and posting these recordings to our website, Facebook Page, and Youtube channel.

We began with words of hope and welcome and will close on the same note. We applauded your appointment because you are a proud alum of our University and because you have experience in ending the very real exploitation of graduate workers at other institutions. But most significantly because we hope you will see your time at our University not as a career-building opportunity, but as coming home. Welcome home, Provost Bichelmeyer. We are glad you've rejoined us because **we know that together, we can do better**. We look forward to working with your administration towards the reprioritization of academia at the University of Kansas.

Sincerely,
President Neill Kennedy and
Officers of the Steering Committee
Graduate Teaching Assistants Coalition
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