

ACADEMIC SENATE: SAN DIEGO DIVISION

May 16, 2024



MEMBERS OF THE ACADEMIC SENATE, SAN DIEGO DIVISION

Academic Senate: UAW Strike Guidance

Dear Colleagues,

We are writing to update Academic Senate faculty on issues related to the UAW Local 4811 authorization of a strike with potential work stoppages beginning soon. UAW Local 4811 represents graduate student researchers (GSRs), academic student employees (ASEs, such as teaching assistants [TAs] and similar), postdocs, and academic researchers across the University of California.

The systemwide Academic Senate provided the letter below, offering guidance on several questions of key concern to faculty regarding potential work stoppages. Not all questions have clear-cut answers at this time, and we do not have additional information on the impact at UC San Diego, including the timing of work stoppage. We encourage you to stay informed through

communications and FAQs from Academic Affairs addressing questions related to the continuity of research and teaching during the strike.

We welcome your input as this situation evolves and will keep you apprised as we learn more.

John A. Hildebrand

Chair, San Diego Divisional Academic Senate

Olivia A. Graeve

Vice Chair, San Diego Divisional Academic Senate

The letter below is sent on behalf of Academic Council Chair James Steintrager and Academic Council Vice Chair Steven Cheung. It is also posted on the systemwide Academic Senate's [website](#).

May 15, 2024

ACADEMIC SENATE DIVISION CHAIRS UC FACULTY

Re: UAW Strike Guidance

Dear Colleagues,

UAW Local 4811, which represents graduate student researchers (GSRs), academic student employees (ASEs, such as teaching assistants [TAs] and similar), postdocs, and academic researchers across the University of California, has authorized a strike with work stoppages beginning as soon as tomorrow. According to official announcements from UAW 4811, this will be a “stand-up strike,” in which the local’s executive board will call on individual campuses separately and “as circumstances justify” to stop work. Work stoppages could last as late as June 30. To justify the possible strike action, the union alleges unfair labor practices (ULPs) related to the encampments and to “other nonviolent protests” on campuses. For UAW 4811’s positions, please see here: <https://www.uaw4811.org>.

The UC administration maintains that the strike is not justified on ULP grounds, that it breaks settled contracts, and is thus illegal. Determination of the legality of the strike will ultimately be settled by California's Public Employment Relations Board (PERB) and/or the California courts, and such a determination could take a considerable length of time to reach. The uncertain legal status of the strike further complicates an already complicated situation regarding communications between faculty and striking employees, the possibility of sanctions, and more. UC Office of the President (UCOP) has just posted FAQs that aim to address most questions you might have regarding the strike authorization and what may follow: <https://ucnet.universityofcalifornia.edu/uaw-faqs-2024/>

Below we provide additional information and guidance on several questions of key concern to faculty regarding potential work stoppages. We also want to acknowledge there are some areas where clear-cut information and therefore guidance is lacking. At the systemwide Academic Senate level, we will continue to gather your questions and concerns and work with units at UCOP to provide the most up-to-date and accurate guidance possible.

1. Do faculty have the right to strike in sympathy or otherwise respect the picket line?

Under the Higher Education Employer-Employee Relations Act (HEERA), faculty who are not classified as supervisors or managers have the right to strike and to respect the picket line by, for example, not entering classroom buildings that are picketed. However, if the strike is determined to be unlawful, any sympathy strike would be unlawful as well. The University has the right to withhold the pay of striking faculty members. During the UAW labor actions of 2022-23, the University asked individual faculty to self-attest to any struck labor. There have been no announced plans to ask for self-attestations from faculty regarding work missed, but we assume there will be significant pressure to withhold pay in the case of a prolonged strike. Note that the University does not recognize the right of faculty to engage in partial or intermittent striking (where, for example, a faculty member might strike their teaching but not their research or might strike certain days or times rather than others).

2. Are faculty classified as supervisors or managers as defined by HEERA?

Faculty are sometimes described as “supervisors” or “managers” in the University’s official communications and policies. However, in most cases faculty are not supervisors or managers as defined under HEERA and not subject to the special considerations for supervisors or managers described therein. As principal investigators, faculty are nonetheless responsible for accurate time-keeping of GSRs. As instructors of record overseeing teaching assistants and other categories of ASEs, they likewise have the responsibility to ensure that student employees are doing their work and to accurately report when they are not.

3. Can a faculty member be required to take up the struck labor of union members such as teaching assistants should a work stoppage occur?

Faculty members cannot be required to take on additional responsibilities for teaching related to a work stoppage. However, all faculty designated as instructors of record already have responsibilities for instructional delivery and assessment built into this designation. Notably, the Academic Personnel Manual (APM) assigns “responsibility for the course’s entire instruction,” including assessment, to “a regular member of the faculty” and exempts teaching assistants from this responsibility (see [APM-410-20.a](#)).

The APM ([section 015](#)) also covers various responsibilities of the Senate faculty concerning instruction. Evaluation of student work, generally understood to include assignment of grades, is one of these responsibilities. If you are the instructor of record of a course currently employing teaching assistants or readers, we encourage you to ensure that your TAs or readers provide you with up-to-date grades for any assignments immediately. You may already have this information through course learning management systems. If you are employing GSRs, postdocs, or academic researchers, we encourage you to ensure that these employees provide you with up-to-date information concerning their research work immediately, and in a manner consistent with the UCOP guidelines in the [FAQs](#).

4. Can faculty adapt their course content and student assessment practices and still fulfill their responsibilities as instructors of record?

Faculty as instructors of record have considerable leeway in how they deliver the curriculum and assess student performance. At present, it is premature to provide more specific guidance, although you may find previous [Academic Senate advice](#) on this topic useful. The crucial principles when making any adjustments are to deliver planned course content to the greatest extent possible and to not inadvertently make changes in assessment that would be unfair (for example, cancelling an exam rather than going exam optional). Again, since we do not currently know which campuses may be called to strike and how disruptive it will be, we only recommend that any changes be considered rather than implemented at this point.

5. What happens if a faculty member determines they cannot reasonably fulfill the responsibilities as the instructor of record?

In some circumstances, an instructor of record may find it difficult or impossible to fulfill their responsibilities under APM 410-420. For example, a single instructor of record may be assigned to multiple TA-run sections. The University can employ temporary workers to assist faculty who are so burdened to cover the struck work while a strike is ongoing. We understand that locating and assigning staff with the academic experience, disciplinary expertise, or time to assist in the task of teaching and grading assignments may be impractical and resources may not be available. At this point, we hope that any work stoppage will not require us to turn to such contingencies. We are also working closely with the administration to address these complications.

Sincerely,

James A. Steintrager

Chair, Academic Council

Steven W. Cheung

Vice Chair, Academic Council