

February 1, 2022



Indiana Graduate Workers Coalition
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To the IGWC Organizing Committee:

OFFICE OF THE
PROVOST
EXECUTIVE
VICE PRESIDENT

Your December 10, 2021, letter to the Indiana University Board of Trustees has been referred to me for response. It is my understanding that the Indiana Graduate Workers Coalition (IGWC) demands that the university recognize the United Electrical, Radio and Machine Workers of America (UE) as representing all graduate students who serve as student academic appointees (SAAs) at Indiana University's Bloomington campus. *IU is absolutely committed to ensuring that IU graduate students receive the best possible education and preparation for their post-graduate careers.* While, for several reasons, the university must deny IGWC's demand for recognition of UE, the university has and will continue to communicate directly and regularly with graduate students, including with the Graduate and Professional Student Government organization.

It is our firm belief that representation of IU graduate students by the UE is not a constructive, nor legally required, method of engagement in the relationship between students and their advisors, instructors, schools and departments, or the campus. Graduate students are students first. They are here to learn, and although we recognize that they have instructional, research, or other duties related to their education – for which they are compensated by remission of tuition, health benefits, and a stipend set by individual academic programs – education remains the primary goal. Being an SAA is indeed an important part of their continued academic education, but that does not transform SAAs, whose hours are limited to 20 hours per week, into the equivalent of full-time employees whose sole or primary responsibility is instruction. The relationship between graduate students and their instructors and advisors should remain flexible and individualized. Channeling this relationship through an outside third party would limit the ability to address and accommodate differences in student needs, individual student opportunities, variations in academic disciplines, and faculty expectations on an individualized basis. The university classifies SAAs as academic appointees in university policy ACA-16 precisely because an academic appointment carries with it a greater degree of flexibility to account for individual circumstances, and it provides protection of academic freedom through particular academic grievance processes that are not available to non-academic appointees.

Further, traditional union activity, such as work stoppages and adversarial collective bargaining – ignoring for the moment that such actions are barred by applicable law – simply cannot provide the benefits promised by IGWC and UE. Rather, the university has in place both individual and student government mechanisms by which any concerns can be – and have been – raised. The fact that all of the IGWC and UE demands have not been met is not evidence that they have been ignored.

In fact, the opposite is true. As former Provost Lauren Robel explained in a detailed memorandum to IGWC last spring semester, IU Bloomington not only has raised minimum stipends, but also has plans in place to raise them still further. In addition, IU currently offers robust health and dental benefits for SAAs for which they would not otherwise be

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eligible as part-time appointees. The average *actual* value of graduate student support (stipend, additional fellowships and grants, tuition remission, and health/dental benefits) is in fact over \$50,000; the IU Bloomington campus recently invested nearly \$2,000,000 in graduate student support; and the recently concluded Bicentennial Campaign raised \$56,000,000 in endowment gifts and pledges specifically for graduate fellowships. In sum, IU has been very responsive to the concerns and needs of graduate students, and we continue to look for feasible ways to improve all aspects of the IU graduate student experience, including stipends and benefits.

Turning to the formalities: contrary to the assertion in your letter, university policy HR-12-20 cannot be the basis for conferring recognition or bargaining rights on academic appointees such as SAAs. The policy clearly applies to staff employees only: "[a]dministrative officials will recognize an employee organization as the exclusive representative of the *Staff* employees of an appropriate *staff unit* when such organization is eligible for exclusive recognition and has been designated or selected by a majority of the *Staff* employees in the appropriate *staff unit* as the representative of such employees" (emphasis added). The university has consistently explained this in earlier communications with IGWC. SAAs are student *academic* appointees, and their appointment relationship is managed through the campus academic office; as noted above, ACA-16 specifically states that graduate students receive academic appointments. In addition, if SAAs were classified as part-time staff employees, they would not necessarily be eligible for the various forms of compensation and benefits that they currently enjoy. Even if HR-12-20 could be extended to apply to SAAs (and by its own terms, it cannot), university policy HR-12-70 names the only bargaining units that are recognized by Indiana University, and UE (or IGWC) is not proposing that SAAs be included in a recognized unit. Finally, neither state nor federal law confers a duty to recognize or bargain with a union seeking to collectively represent public sector employees at the university.

For all of these reasons, IU must deny your demand for recognition and collective bargaining. However, as stated above, IU will continue to communicate directly with individual graduate students and existing student organizations, and we will continue to seek out ways to improve all aspects of the graduate student experience at IU.

Very truly yours,



John S. Applegate
Interim Provost and Executive Vice President
James Louis Calamaras Professor of Law