



# Lessons from Region 9A for Real Recourse

*Ege Yumuşak, Lecturer, Columbia University; member of UAWD // March 2023, National Ctr for the Study of Collective Bargaining Annual Conference*

**The reality:** In higher education, harassment and discrimination are rampant and systemic. In this landscape, real recourse achieved through collective bargaining is urgent but insufficient.<sup>1</sup>

## **How do we create urgency for Real Recourse?**<sup>2</sup>

Bargaining over harassment & discrimination requires building a working group, entering coalition-work with existing organizations, and creating a community of experts/activists, before incorporating the fight into a traditional labor campaign. Without those foundational elements, the union cannot actually win the trust of survivors. Without the trust of survivors, campaigns cannot set a clear narrative and cannot achieve hard wins.

Union	# of workers	H/D related intakes in 1 year	H/D related grievances filed in 1 year	Total Grievances in 1 year	H/D related grievances completed in 1 year	Arbitration?
UAW 2110, GSOC	3,000`	5*	2	20 (filed)	1	No
UAW 2710	3,000	10	1	8	0	N/A
UAW 5118	5,000	11	0	112 (initiated)	0	N/A**

\*Rough estimate.

\*\*UAW 5118 contract restricts H/D arbitrability.

<sup>1</sup> Cf. Avendaño, A. (2018). "Sexual Harassment in the Workplace: Where Were the Unions?". *Labor Studies Journal* 43(4): 245–262.

<sup>2</sup> Thanks to Marisa Borreggine, Sal Suri, Amulya Mandava, Mairead Hynes, Sebastián Vivancos, Courtney Bither, Lilia Kilburn, Arundhati Velamur.



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## **Why are wins so hard in the current landscape at the bargaining table?**

*Universities are prepared to fight:* Devos guidelines made investigatory abeyance presumed necessity for Title IX compliance. Backlash from #MeToo added to institutional friction for accountability and universities by and large became intransigent on this issue in negotiations and enforcement. Even with arbitration, universities routinely deny grievances to buy time.

*Unions are unprepared to lead:* Dealing with H&D requires 1) expanding understanding of grievance to involve community care, 2) protecting sensitive information by trusting a single grievance officer, 3) growing capacity by effective recruitment from vulnerable groups and supporting grievance officers to handle incredibly time-consuming and emotional h&d cases without burnout.

## **What's there to win? The view from Harvard**

1. Creating an option. The reality is that agencies like MCAD routinely close processing due to a backlog of cases and OCR investigations take years. Title IX process with union advocacy becomes a more robust option for survivors even short of independent union grievance procedure.
2. Securing advocacy. Union reps are the only trusted resource. Only H-funded confidential sexual violence resource (OSAPR) closed in 2021. New offices are under the Provost's office which also runs investigations.
3. Changing what's possible to win. Limited contract wins at H are being translated into major support due to long history of campaigning and innovative enforcement/organizing work by FWG/CEEC.
  - Basic knowledge: whom to trust, how to speed up process, which emails to respond to and how, organizing evidence and drafting responses in investigatory processes,
  - Strategic knowledge: escalation plans involving (possibly) publicity, union power, adjacent grievances (e.g., workplace & materials, appointment letter, workload...) Evaluating risks and benefits of participation for survivor.
  - Some recourse: can grieve lack of supportive measures, and advocate for creative supportive measures
  - Financial resources: legal fund
  - Mediation resources: department-level conversations with union advocate
  - Community: not being isolated helps survivors fight for longer, conceptualize intermediate wins as wins, be prepared for losses, add to collective information-building exercise.