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06/03/24 14:49 PM

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
AMENDED UNFAIR PRACTICE CHARGE

Unfair Practice Charge Case
Number: SF-CE-1466-H

Date of Amended
Charge: 06/03/2024

Amended Charge: First Second Other _____

INSTRUCTIONS: File this amended charge form via the e-PERB Portal, with proof of service. Parties exempt from using the e-PERB Portal may file the original form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items. Questions regarding your filing may also be directed to the Board agent assigned to your charge.

1. **Charging Party:** Santa Cruz Faculty Association

2. **Respondent:** Regents of the University of California (UC Santa Cruz)

3. **PERB Regulation 32621 provides that an amended charge must provide certain information required by PERB Regulation 32615, including contact information for all parties, the statute, regulation, and/or local rule(s) alleged to be violated, and a copy of the local rule(s) if applicable.**

(Check one box only)

The undersigned confirms that all of this information has previously been provided to PERB.

To the extent that some of this information has not been previously provided, it is included herein as an attachment.

4. Statement of Charge:

Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (Use and attach additional sheets of paper if necessary.)

Please see attached.

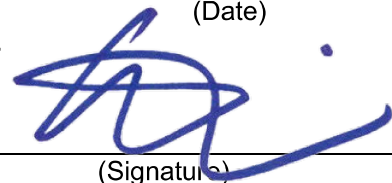
DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on 06/03/2024

at Oakland, CA
(City and State)

(Date)

Arthur Liou
(Type or Print Name)



(Signature)

Title, if any: Attorney

Mailing address: Leonard Carder, LLP - 1999 Harrison Street, Suite 2700 Oakland, CA 96612

Telephone Number: (510) 272-0169 E-Mail Address: aliou@leonardcarder.com

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda,
State of California. I am over the age of 18 years. The name and address of my
Residence or business is Leonard Carder, LLP - 1999 Harrison
Street, Suite 2700 Oakland, CA 94612

On June 3, 2024, I served the First Amended Unfair
(Date) (Description of document(s))

Practice Charge in Case No. SF-CE-1466-H
(Description of document(s) continued) PERB Case No., if known)

on the parties listed below by (check the applicable method(s)):

- placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid;
- personal delivery;
- electronic service - I served a copy of the above-listed document(s) by transmitting via electronic mail (e-mail) or via e-PERB to the electronic service address(es) listed below on the date indicated. (May be used only if the party being served has filed and served a notice consenting to electronic service or has electronically filed a document with the Board. See PERB Regulation 32140(b).)

(Include here the name, address and/or e-mail address of the Respondent and/or any other parties served.)

Allison Woodall, Deputy General Counsel
UC General Counsel
1111 Franklin Street, 8th Floor
Oakland, CA 94697
allison.woodall@ucop.edu
UCPERB@ucop.edu

Scott Kasper
SHR Employee & Labor Relations
1156 High Street
Mail Stop: Employee & Labor Relations
Santa Cruz, CA 95064
smkasper@ucsc.edu

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 06/03/2024,
(Date)
at Oakland, CA.
(City) (State)

Mary J. Nunez

(Type or print name)



(Signature)

First Amended Attachment to Unfair Practice Charge

I. Introduction

This charge concerns the University of California, Santa Cruz's decision to ban the Santa Cruz Faculty Association from participating in faculty department meetings. In the last few weeks, the United Automobile, Aerospace and Agricultural Implement Workers of America, Local Union 4811 (UAW) filed unfair practice charges against the University of California (UC or the University), and its members voted for and then began an unfair labor practice strike against the University. The unfair practice charges are based on the University's interference with and retaliation against UAW members who were engaged in peaceful protest over terms and conditions of employment, and other unfair practices.

The Santa Cruz Faculty Association (SCFA) offered to participate in UC Santa Cruz (UCSC) faculty department meetings to discuss the UAW unfair practice strike, SCFA's position on the strike, and faculty members' rights with regard to the strike and their ability to engage in protected concerted activity. But on May 22, 2024, UCSC's director of employee and labor relations declared that "SCFA representatives are prohibited from attending department meetings to answer questions about union business, including questions related to the union's position on the strike." (Ex. 1.)

This new rule discriminates against SCFA and its labor-related speech, because it was created specifically for and applies only to SCFA, even though SCFA and other groups had previously been allowed to present to department meetings without restriction. UCSC did not give SCFA notice or an opportunity to bargain before announcing this rule, also making it a unilateral change.

UCSC's conduct violated the Higher Education Employer-Employee Relations Act (HEERA), Government Code section 3571, subdivisions (a), (b), and (c). SCFA asks that PERB issue a complaint, and as a remedy, SCFA seeks to have UC cease and desist from interfering with SCFA's rights and discriminating against SCFA, cease and desist in making unilateral changes, along with any other appropriate remedy.

II. Facts

The Santa Cruz Faculty Association is the exclusive representative for Academic Senate faculty at UCSC. (See Gov. Code, § 3579, subd. (e).) As the representative for faculty at a single UC campus or "division," SCFA's scope of representation is limited to matters determined at the divisional level. (See *ibid.*) While UCSC and SCFA were parties to a memorandum of understanding, that agreement expired in 1999.

A. Departments have discretion to set the agenda for their meetings and have often discussed labor and other issues, including with outside presenters

At UCSC, departments hold regular meetings of faculty members, typically on a weekly or biweekly basis. These meetings are chaired by the department chair, who establishes the agenda in consultation with faculty members and other department employees. The department chair is selected on a rotating basis from among faculty members. While the chair performs

additional administrative duties, the chair is not in a supervisory or managerial role with regard to other faculty.

Historically, departments have had unfettered discretion to decide what their agendas will look like and what to discuss at faculty meetings. UCSC has never dictated to departments what they could discuss at faculty meetings nor identified particular topics as prohibited, nor has UC done so on a systemwide basis.

On multiple occasions, departments have discussed issues affecting the broader campus or UC system, including political or labor issues. For example, representatives from Fossil-Free UC, a group of faculty and students that campaigned to have UC divest from investments in fossil fuels, presented at department meetings as part of their campaign. It is also common practice for faculty or individuals from outside a department to announce events or issues happening on campus or on a broader level during the announcements portion of department meetings. This happened recently with Assembly Bill 2586, which would allow California public colleges and universities to hire undocumented students—proponents of the legislation reached out to departments and asked them to announce the legislation and ways faculty and departments could support its passage, which some departments did.

In prior years when UAW members have struck and in this year as well, UAW representatives have attended department meetings at the invitation of departments to explain why they were striking. The UAW representative would take questions and engage with faculty in discussions on issues relating to the strike. In department meetings, faculty have also discussed their thoughts about the strike, how they were supporting students, and dealing with the logistics of the strike.

SCFA representatives have likewise participated in department meetings on behalf of SCFA to present on and discuss questions related to labor issues arising on campus. This happened in numerous departments before other UAW strikes, with SCFA members sometimes presenting alongside UAW representatives. This happened in 2019, when graduate students at UCSC engaged in a “grade strike,” and in 2022, when UAW members across the UC system went on strike. Ahead of the current UAW unfair practice strike, SCFA representatives had already attended multiple department meetings to discuss the strike, what faculty members and departments could do to support the strike, and faculty members’ rights with regard to the strike and to engage in their own protected concerted activity.

In the past, departments have also issued statements regarding issues affecting UCSC, the UC system, or beyond. Past department statements have touched on matters such as the Black Lives Matter movement, academic freedom, abortion rights, and Palestinian solidarity. Multiple UCSC departments have issued statements in support of the unfair practice strike or past graduate student strikes. (See, e.g., Exs. 2-7 [department and faculty statements in support of 2019 graduate student grade strike and campaign for graduate student cost-of-living adjustment, 2022 UAW strike, and current UAW unfair practice strike].) These statements were the result of discussions among faculty, including at department meetings, where faculty worked together to formulate and revise the statements, voted on whether to adopt them, or decided to sign on to the statements as individuals.

B. On May 22, 2024, UCSC stated that SCFA was prohibited from participating in department meetings to discuss the UAW strike and other “union business”

On May 17, 2024, UAW announced that as a result of UC’s unfair practices, it would conduct a “stand up” strike at UC campuses, beginning with UCSC on May 20.

The day before the strike was set to begin at UCSC, SCFA sent an email to other Senate faculty, telling them:

You likely have heard that UAW 4811 has called on its members at UCSC to "stand up" on Monday, May 20 and go out on strike. We have been hearing from faculty who have questions about their rights and responsibilities in this moment. In response, the Santa Cruz Faculty Association (SCFA) will be holding open office hours at the picket line at the base of campus (main entrance) to answer any questions you might have. Please look for our banner on Monday from 9-5, Tuesday from 10-2 and 4-5, and Wednesday from 10-12 and 3-5. SCFA Executive Board members are also happy to visit department meetings to address questions; please contact scfa.assist@gmail.com to set that up.

(Ex. 2-8.) The email also advised faculty that they had the right not to perform struck UAW work and linked to a “frequently asked questions” website hosted by the Council of UC Faculty Associations addressing questions related to the strike. (Ex. 2-8.)¹

On May 22, Scott Kasper, UCSC director of employee and labor relations, sent a letter to Jessica Taft and Kimberly Lau, the SCFA co-chairs, responding to SCFA’s May 19th email. Kasper stated that “[u]nion business must be conducted during non-work time,” and that:

Department meetings are for the purpose of conducting department business, and meetings include non-unit members. SCFA representatives are prohibited from attending department meetings to answer questions about union business, including questions related to the union's position on the strike.

(Ex. 1.) Neither Kasper nor anyone else at UCSC notified SCFA that it would be sending this letter or issuing this policy.

When Kasper sent his letter, SCFA had already received multiple inquiries about having a SCFA representative attend a department meeting to talk about the UAW strike. After the letter, multiple departments, including members of the Education; Performance, Play and Design; Art; Film and Digital Media; and History of Art and Visual Culture departments communicated to SCFA that they understood SCFA could not attend a department meeting,

¹ This First Amended Unfair Practice Charge corrects erroneous references to Exhibit 2, replacing them with corrected references to Exhibit 8.

apparently based on statements made by their academic divisions reiterating the message in Kasper's letter.²

III. Discussion

A. UC discriminated against SCFA by prohibiting it from participating in department meetings

UC discriminated against SCFA by prohibiting SCFA representatives from participating in department meetings, when they had long been allowed to do so before. UC's discrimination against SCFA is particularly blatant given that its prohibition was directed specifically at SCFA's labor speech and given that departments have virtually unfettered discretion to decide what they discuss in their meetings.

HEERA provides employee organizations with a statutory right of access to employer facilities, and it prohibits employers from interfering with or discriminating against union activity. (Gov. Code, §§ 3568; 3571, subd. (a).) Access is necessary for unions to fulfill their representational responsibilities, including communicating with unit members about issues in the workplace and internal union matters, inspecting workplace conditions, and ensuring compliance with the collective bargaining agreements, among other things. Employees also have the right to participate in the activities of an employee organization, which extends to the right to engage in organizational speech and expressive activity. (*Petaluma City Elementary School District/Joint Union High School District* (2016) PERB Decision No. 2485 (*Petaluma*), pp. 43-45.)

While an employer can restrict non-work activities during work time, "it may not single out union activities for special restriction, or enforce general restrictions more strictly with respect to union activities." (*Regents of the University of California (Irvine)* (2018) PERB Decision No. 2593-H (*Irvine*), p. 8.) However, that is precisely what UCSC has done here by prohibiting SCFA from attending department meetings.

The rule promulgated by UCSC targets SCFA and its labor speech only, and it does so in response to SCFA's attempts to discuss the UAW strike and how faculty can respond, and to educate faculty about their own rights under HEERA.³ This is highly similar to *Irvine*, where PERB found that UC discriminated against union speech when it prohibited union-related discussions on work time but permitted employees to talk about various other non-work matters. (*Irvine, supra*, PERB Decision No. 2593-H, pp. 4, 8-9.) While the prohibition here is about participation in department meetings, departments have often discussed other topics outside of immediate department business, had representatives or speakers from outside the department attend, and have historically had unfettered discretion to determine their own agendas. As PERB

² Departments are assigned to academic divisions within UCSC; the Education Department is part of the Division of Social Sciences, while the other departments are part of the Arts Division.

³ While a finding that an employer interfered with a union's rights does not require a showing that the employer intended to interfere with protected rights or otherwise harbored an unlawful motive or purpose, UCSC clearly intended to stifle labor speech since it was explicitly in response to SCFA's offer to attend department meetings and given that these events are happening in the context of the UAW unfair practice strike.

has held, “[a]n employer policy which permits some outside individuals or organizations access to the employer’s facilities to promote political causes or commercial interests but denies access to employee organizations or only grants union access under more onerous conditions is unreasonable and violates the organization’s right of access.” (*Petaluma, supra*, PERB Decision No. 2485, pp. 49-50 [stating also that “once the employer has opened up other parts of the workplace as a forum for some forms of non-work related speech or expressive conduct, it is not free to ban other non-disruptive speech or conduct based solely on its content, unless otherwise authorized or required by law”].) The imposition of a new rule prohibiting SCFA attendance thus discriminates against SCFA and interferes with SCFA’s rights.

While UCSC may argue that it has access rules that purport to limit union access or speech during “work time,” that would not change the fact that UC is enforcing a discriminatory rule with regard to department meetings. Regardless of whether a California public employer’s rules are otherwise reasonable and necessary, their “discriminatory and inconsistent application . . . infringes on a union’s access rights . . . and thereby violates” the union’s statutory access rights. (*The California State University, Chico* (1989) PERB Decision No. 729-H, pp. 6-7, internal quotations omitted.) Moreover, given the leeway departments have to set their own agendas, any such access rules have not applied to department meetings.

In short, there is no question that UCSC has singled out and discriminated against SCFA’s speech and interfered with SCFA’s rights under HEERA, and the association asks that PERB issue a complaint.

B. UC unilaterally changed SCFA’s access rights when it prohibited the union from participating in department meetings

SCFA is the exclusive representative for Academic Senate faculty at UCSC and is entitled to bargain with UCSC over matters “customarily . . . determined on a division basis.” (Gov. Code, § 3579, subd. (e)(2).) It also has the right to consult on any matters that would be in the scope of representation or consultation if the association were a statewide representative. (Gov. Code, § 3579, subd. (e)(2).) Access rights and work rules, including the right to participate in department meetings, are mandatory subjects of bargaining, and they are also matters that are determined at the campus level. Thus, UCSC committed a unilateral change by prohibiting SCFA from participating in department meetings without first providing notice and an opportunity to bargain.

The employer violates its obligation to meet and confer when it (1) changes or deviates from the status quo; (2) the change concerns a matter within the scope of representation; (3) the change has a generalized effect or continuing impact on terms and conditions of employment; and (4) the employer did not provide adequate notice of the proposed change and bargain in good faith until agreement or lawful impasse was reached. (*Bellflower Unified School District* (2021) PERB Decision No. 2796, p.9.) All of these prongs are met here.

First, UCSC’s prohibition on SCFA participation in department meetings is new and deviates significantly from the status quo, under which SCFA and other groups had attended department meetings and discussed labor and other issues. On numerous occasions, departments have invited SCFA to attend meetings, present SCFA’s perspective on a labor issue, and answer

questions. In fact, departments have issued public statements concerning labor and other issues, as a result of department meetings where SCFA representatives or others participated. UCSC's new policy is unquestionable a change, then.

Second, the change concerns a matter within the scope of representation, because access and work rules prohibiting employee speech are within the scope of representation. (*Trustees of the California State University* (2003) PERB Decision No. 1507-H, p. 4; *Regents of the University of California* (2012) PERB Decision No. 2300-H, pp. 20-22.) The prohibition on SCFA's participation in department meetings also concerns a local matter, because the conduct of department meetings is decided within each department, and there is no systemwide mandate that UCSC was implementing when it promulgated this new policy. Again, departments have been entirely free to set their own agendas and discuss the topics they deem appropriate, without restriction or rules from UCSC or the UC system.

Moreover, even if this were not a matter within SCFA's scope of representation, UCSC would be required to consult with SCFA before making a change under Government Code section 3579, subdivision (e)(2). Since UCSC did not, that would alternatively be grounds for finding that the campus violated its obligation to consult in good faith. (Gov. Code, § 3579, subd. (e)(2) ["[T]he scope of representation of any divisional unit shall be limited to those matters that have customarily been determined on a division basis, but the employer shall consult with the exclusive representative of a division on matters that would be within the scope of representation or consultation of a statewide representative."].)

Third, given the categorical nature of the prohibition, it has a generalized, ongoing effect. Multiple departments have told SCFA representatives that they believe SCFA is prohibited from attending department meetings. The new policy was designed to chill SCFA speech and SCFA's ability to speak with faculty and department members, and it is having precisely that effect even while the UAW strike is still ongoing.

Finally, UCSC provided no notice to SCFA before it issued this prohibition. Instead, this policy was announced as a *fait accompli*, and SCFA therefore had no opportunity to bargain.

IV. Remedy Requested

As a remedy for its unfair practices, UCSC should be ordered to cease and desist from all its unlawful conduct, including interfering with SCFA's rights and discriminating against SCFA, and refusing to bargain in good faith. UCSC must restore the status quo by rescinding its unilateral changes, and bargain in good faith with SCFA upon request. Additionally, UCSC should be required to post a physical and electronic notice.

EXHIBIT 1

PERB Received
06/03/24 14:49 PM

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SANTA BARBARA • SANTA CRUZ

STAFF HUMAN RESOURCES- EMPLOYEE & LABOR RELATIONS

SANTA CRUZ, CALIFORNIA 95064

May 22, 2024

Delivered via email

To: SANTA CRUZ FACULTY ASSOCIATION
Profs. Lau and Taft, Co-Chairs SCFA

Re: SCFA May 19 message "Office Hours and Department Visits"

Dear Professor Taft and Professor Lau,

This letter responds to the communication sent May 19th, 2024, by SCFA to Senate faculty titled "SCFA Office Hours and Department Visits."

Union business must be conducted during non-work time. Department meetings are for the purpose of conducting department business, and meetings include non-unit members. SCFA representatives are prohibited from attending department meetings to answer questions about union business, including questions related to the union's position on the strike.

Sincerely,

/s/
Scott Kasper, PsyD
Director of Employee & Labor Relations

Copy: Adrienne Ratner, Director of Academic Employee Relations
Kamala Green, Associate Vice Chancellor & Chief Human Resources Officer

EXHIBIT 2

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SANTA BARBARA • SANTA CRUZ

SANTA CRUZ, CALIFORNIA 95064

December 16, 2019

Dear Chancellor Larive, EVC Kletzer, and UC Santa Cruz Administration,

We, the Faculty Chairs and Graduate Student Representatives of STEM departments, are writing to you in regards to this month's graduate student strike activity and the need for solutions to address graduate student living conditions in Santa Cruz.

This week, we have in our respective STEM departments been discussing student needs, the strike activities, and potential solutions that would help both graduate students and the university as a whole. In some departments, graduate students and faculty together have been sharing perspectives and brainstorming long- and short-term solutions.

While our viewpoints are diverse, we agree that there is a present and immediate need for action, given the current conditions under which many of our graduate students are struggling. In order to address these issues and support our graduate students, we, as STEM Chairs and Graduate Representatives, are calling on the administration **to meet directly with representatives of the Graduate Student Association at the earliest time possible to establish constructive dialogue toward solutions.**

We want to recognize the burden that this week's strike activities have imposed on graduate students, faculty, staff, undergraduates, and administration. But while conflict is at times unpleasant, it is not always antithetical to progress, nor must it be adversarial. Good things come from shared, open dialogue, and we feel that that dialogue is essential to move forward.

Signed,

Ingrid Parker, Chair, Ecology and Evolutionary Biology

and

Melissa Cronin and Nevé Baker, Graduate Student Representatives, Ecology & Evolutionary Biology

Christina Ravelo, Chair, Ocean Sciences

and

Kimberly deLong, Graduate Student Representative, Ocean Sciences

Raja GuhaThakurta and Connie Rockosi, co-Chairs, Astronomy and Astrophysics
and

Tyler Takaro, Rachel Bowens-Rubin, and Brenna Mockler, Graduate Student Representatives,
Astronomy and Astrophysics

Susan Strome, Chair, Molecular, Cellular, and Developmental Biology
and

Braden J. Larson, Graduate Student Representative, Molecular, Cellular, and Developmental
Biology

and

Francisco Javier Mendez Diaz, GSA MCD Biology Department Representative, Molecular, Cell,
and Developmental Biology

Chad Saltikov, Chair, Microbiology and Environmental Toxicology
and

Avatar Joshi, Graduate Student Representative, Microbiology and Environmental Toxicology

Ilan Benjamin, Chair, Chemistry and Biochemistry

Viktor Ginzburg, Chair, Mathematics

EXHIBIT 3

PERB Received
06/03/24 14:49 PM

Dear Astronomy & Astrophysics PhD Students:

Our department is deeply committed to supporting our students. We understand that a graduate student COLA would benefit graduate students' well-being and success.

As a department, we will support **all** our graduate students – those who choose to participate in the wildcat strike and those who do not. Among other things, this means that future departmental decisions about your status in our program and about TA and GSI allocations will **not** be affected by your decisions regarding strike participation as long as you are ethical — as we know you have been and will be — in your communication with faculty and students.

Please feel free to reach out to us regarding your concerns. We look forward to staying in collaborative communication.

In support and on the behalf of the Astronomy & Astrophysics Faculty,

Connie and Raja

EXHIBIT 4

CRES Solidarity Statement with COLA Campaign

The faculty in the Program in Critical Race and Ethnic Studies (CRES) at UC Santa Cruz expresses our solidarity with graduate students who are calling for financial resources to meet the rapidly rising costs of living in and around Santa Cruz. CRES, like so many other ethnic studies programs, owes much of its existence to a living tradition of civil disobedience. With student movement as its center of gravity, that tradition has been fueled by the kind of intellectual creativity that the devastatingly high cost of living in Santa Cruz makes difficult to sustain. Accordingly, we regard the COLA campaign as part of a long and vibrant history of grassroots campus activism to advance economic and social justice at the university. The campaign seeks to confront and contest the socioeconomic conditions that make life unsustainable for so much of the majority-minority student population on this campus. In so doing, the COLA campaign represents a major effort to establish the conditions in which ethnic studies can live and thrive. As scholars of ethnic studies, we know well that the history of strikes like these is a history of the struggle to democratize public universities.

Graduate students continue to play a key role in that democratizing work. To join with them in their fight for equitable living and working conditions is to reckon with the conditions that shape the great majority of academic workers today. Knowledge, it would seem, is an incidental product of today's graduate education: its primary products are low-wage workers and debtors. At UC Santa Cruz, student debt has fueled the past decade's skyrocketing real estate inflation. Not only do students routinely lose the majority of their paychecks to rent, but also, they cannot afford the basics--groceries, utilities, and other living expenses--without accumulating debt and/or taking on outside jobs. Their struggle to make ends meet, moreover, eclipses what should theoretically be their primary purpose: their training, research, and studies.

In other words, the demand for a COLA is a demand for the very conditions that would make an education worthy of the name possible. Though it would offer a meaningful ballast for all students, its impact would be particularly profound for first-generation students; low-income students; students of color; undocumented students; queer and trans students; and/or students without familial financial support. Many of these students make up our graduate Designated Emphasis (DE) students and undergraduate majors in CRES. When these students regularly face eviction, heavy rent burden, and food insecurity, it radically impacts our ability to serve a diverse student population. Conditions in which students struggle so much to live are not conditions in which education can flourish. All students at UC Santa Cruz need to be able to afford to live where they work and learn.

With UC Santa Cruz in the national spotlight, it troubles us greatly that the upper administration has decided to take a retaliatory approach to graduate students for fighting for a more livable wage rather than to lead with vision. As a program, CRES opposes retaliation against striking graduate students—including the expectation that undergraduates report their TAs—and expresses solidarity with all workers and others facing structural racism and class exploitation. We thus call upon the university to enter into good-faith negotiations with the strikers rather than to replicate toxic structures and practices of policing, surveillance, and punishment. On this point we side with what we regard as the principle that animates the COLA strike: higher education deserves far better conditions of work and life than are available to UC Santa Cruz's students at present.

As the fastest-growing major in the humanities and a socially transformative area of study that galvanizes students across campus to envision and enact structural change, we want to emphasize that solidarity with the COLA struggle is in keeping with the pedagogical commitments of ethnic studies within the university landscape. Without question, graduate student labor is essential to the CRES mission of delivering a high-quality undergraduate curriculum. Yet equally crucial to our students' education is critical reflection on systems of power and inequity. In their support of their TAs and GSIs, our majors recognize this. In the immiseration of their TAs and GSIs, our majors see not only their own precarity reflected back at them but also the neoliberalization of higher education. In addition to writing "Give them COLA" on their final papers last quarter, 1,400 undergraduate students have signed a [petition](#) in solidarity with the graduate student strikers refuting the claim that they are harmed by the strike. Ultimately, it is our obligation as teachers to stand alongside our striking graduate students and the undergraduate students they teach, and collectively realize the conditions that allow their education to flourish.

EXHIBIT 5

SOCIOLOGY

UCSC Sociology Faculty Statement on the UC-Wide Academic Worker Strike

November 18, 2022

The following is a statement of the UCSC Sociology Faculty on the UC-wide academic worker strike:

The faculty of the Sociology Department strongly support University of California academic workers—including academic student employees, postdoctoral scholars, graduate student researchers, and academic researchers—in the negotiation of a new contract that would make it viable to live on or near their home campuses while pursuing their studies. We urge the UCSC administration to persuade UCOP to bargain with the UAW in good faith and to take the proposals of the UAW bargaining team seriously. This is necessary to bring UC's graduate student employee salary scale into line with that of our comparison institutions, to account for the cost of living in California, and to keep pace with the rate of inflation especially in rents and cost of living.

These challenges are all the more urgent given the critical shortage of affordable rental housing in cities across California. For the last decade, researchers in our own department—including the undergrads, grads, and faculty who undertook the No Place Like Home and Graduate Cost of Attendance and Living Calculator projects—have been studying the scope of our local affordable housing crisis in Santa Cruz County. Through this research we found UCSC students rank among the most heavily burdened renters in a market riven with overcrowding, extreme rent burden, major problems with housing, and displacement, and that these issues have serious impacts on students' physical and emotional well being as well as academic success. Since No Place Like Home was completed in 2018, the problem has only worsened, as rents have risen an astonishing 67% and as the city of Santa Cruz has become the second-most expensive and the least affordable metro in the entire country (National Low Income Housing Coalition, 2022). Meanwhile, we have also seen similar housing crises faced by students trying to make ends meet across all ten of our UC campuses.

As a departmental community, we have always advocated for our graduate student colleagues in their studies and in their work. We did so during the 2019-2020 strike and we will continue to do so now. We well understand that students not only have the right to strike but also may need to strike to bring about a resolution that meets their pressing needs. We also believe that in doing so they can bring about changes that will benefit the broader UC community and state as a whole. Indeed, in their contract proposal and now through this strike, UC's graduate student workers are helping UCOP and all of us make the case for increased state funding for both public higher education and affordable student housing—funding that we recognize will be necessary in the long term if we are to resolve this crisis and uphold the UC as a premiere research and teaching institution. Most immediately, our department and university rely on the labor of Academic Student Employees to carry out our research and teaching missions; supporting them in their current struggle for a living wage supports us all.

As part of our support, we will not cooperate with any retaliatory or disciplinary measures against lawful strike activity. Faculty will not be expected to make up for work not carried out by striking employees. We are at the same time aware that we have obligations to all of our students, undergraduate and graduate alike, and we are committed to their success. We will maintain open lines of communication under all circumstances.

-- The Sociology Faculty

For detailed information about the union-sanctioned stop work order, bargaining, and how to support the students, refer to: www.fairucnow.org.

See Also

- [Contribute to the UC Academic Workers Strike Support and Hardship Fund!](#)

EXHIBIT 6

HISTORY

History Faculty Statement on the UAW Strike

May 15, 2024

History Department Strike Statement, May 15, 2024:

UCSC's History Department faculty members have voted to respect the rights of UAW 4811 members to organize and strike as they vote on whether to authorize an Unfair Labor Practices Strike. This vote follows UC administrators' decisions to invite police onto campuses at UCSD and UCLA to arrest student protestors and academic workers exercising their legal right to demonstrate against the violence and suffering in Gaza.

UAW 4811 union members will vote on whether or not to go on strike for unfair labor practices (ULP) from May 13-15. While there are more unfair labor practice charges forthcoming, the current unfair labor practices charged include the arrest of UAW members for non-violent political protest; discriminatory treatment based on the content of protest speech; retaliation for protected concerted activity as employees; and failures to bargain over changes to workplace speech policies.

We affirm our students' and graduate colleagues' right to protest on campus and to exercise their rights to free speech without retaliation, forcible police intervention, and arrest. We affirm our commitment to non-retaliation against all UAW 4811 workers in the event of an Unfair Labor Practices strike.

Non-retaliation is a baseline commitment of faculty solidarity. We pledge that we will not use our authority as faculty to penalize UAW 4811 workers in any way for engaging in this strike; we will not disclose the names of striking teaching assistants to the university administration, nor will we endorse any disciplinary measures directed at graduate workers who have participated in the strike. Our commitment to non-retaliation extends to all legally-protected strike activity by graduate workers who participate in the ULP strike, including TAs withholding grades, research assistants withholding research labor, or any other form of legally protected labor withholding. As laid out by the FAQ provided by the Council of UC Faculty Associations (CUCFA), senate faculty are protected by California's Higher Education Employee-Employer Relations Act (HEERA) and can "decline to perform struck work that is outside our customary duties" in the event of a lawful strike. As faculty, we recognize that our solidarity can be a decisive factor in putting pressure on the UC administration to bargain in good faith and bring about a timely resolution to the strike.

EXHIBIT 7

HISTORY *of* CONSCIOUSNESS

History of Consciousness Faculty Statement on UAW Strike

May 24, 2024

48,000 employees at the University of California represented by UAW 4811 have authorized an Unfair Labor Practice strike action, starting with the University of California, Santa Cruz campus. Active striking members of UAW 4811 are our students, advisees, colleagues, and friends who are working for a more just and equitable world, and a more just and equitable university within it. Their goals include the protection and promotion of freedom of speech and assembly; workplace safety; shared academic governance; accountability and transparency in budgeting and finances; and divestment from war profiteering. These are our goals as well, and we benefit from their strike action.

Accordingly, as faculty in the History of Consciousness department, we pledge not to pick up struck labor, submit struck grades, or otherwise retaliate against strikers.

We moreover hereby signal our willingness to join the UC Santa Cruz Faculty Association in a solidarity strike should such action be approved by its membership. We call on other academic units at UCSC to similarly signal their strike readiness in solidarity with the goals of the ongoing strike.

Signed,

Robert Nichols

Banu Bargu

Massimiliano Tomba

Eric Porter

EXHIBIT 8



PERB Received
06/03/24 14:49 PM

Jessica Taft <jtaft@ucsc.edu>

SCFA Office Hours and Department Visits

SCFA <newsletter@ucscfa.org>
Reply-To: SCFA <newsletter@ucscfa.org>
To: jtaft@ucsc.edu

Sun, May 19, 2024 at 10:21 PM



U.C. Santa Cruz Faculty Association

An Independent Senate Faculty Union since 1981

888-826-3623 - scfa.assist@gmail.com - <https://ucscfa.org/>

Dear Senate Colleagues,

You likely have heard that UAW 4811 has called on its members at UCSC to "[stand up](#)" on Monday, May 20 and go out on strike. We have been hearing from faculty who have questions about their rights and responsibilities in this moment. In response, the Santa Cruz Faculty Association (SCFA) will be holding open office hours at the picket line at the base of campus (main entrance) to answer any questions you might have. Please look for our banner on Monday from 9-5, Tuesday from 10-2 and 4-5, and Wednesday from 10-12 and 3-5. SCFA Executive Board members are also happy to visit department meetings to address questions; please contact scfa.assist@gmail.com to set that up.

In the meantime, we are aware that you may have received administration emails about faculty responsibility for instructional continuity that imply that faculty should perform graduate students' labor during this strike.* Faculty in fact have flexibility in how we respond to the strike. **One bedrock position that SCFA holds, as your union, is that it is best that faculty not take up our striking graduate students' labor by, for example, teaching their sections or doing the grading they normally would do.** As noted in [CUCFA'S FAQ](#), under the Higher Education Employer-Employee Relations Act (HEERA), "faculty can decline to perform struck work that is outside our customary duties." The main reason SCFA advises faculty not to pick up this struck work is that **doing so acts against our own interests** by 1) increasing our instructional workload and 2) sending the erroneous message that faculty, already overtaxed and overburdened, are able to do our jobs effectively without these graduate student workers. Therefore, regardless of your opinion on this strike, we urge you not to do the work that would normally be done by striking workers.

PERB Received
06/03/24 14:49 PM
Like all of you, SCFA is concerned about undergraduate students' education. But messages that tell faculty that it is our responsibility during this strike to ensure continuity of education for our students fundamentally misunderstand the time and labor required to carry out our jobs under ordinary circumstances. Our campus hires GSIs, TAs, and readers because we have determined that the faculty alone cannot do that labor. As faculty, we too wish for educational continuity that would allow us to meet UC's educational mission, but it is up to the UC administration to create a work environment that allows for such continuity. We encourage the University to resolve this labor conflict between itself and the graduate students so that we can get back to providing the robust education our students deserve.

In solidarity,

The SCFA Executive Board

*Recent examples include a May 1, 2024 email with the subject line "Campus climate and current and future academic work stoppages" where CPEVC Kletzer wrote "Instructors of record, including GSIs and GSI faculty mentors, should work to ensure that all course sections are covered during this time, regardless of whether or not academic student employees are participating in an unlawful strike or are otherwise unavailable. Chairs and college provosts are responsible for ensuring the continuity of instruction when the instructor of record is not available." [In a May 14, 2024 email with the subject line "Continuity of Instruction and Research,"](#) CPEVC Kletzer wrote, "If scheduled instruction does not take place, student learning must be facilitated through alternative means" and "Steps should also be taken to ensure that grading will be completed and grades submitted to meet deadlines."

Our mailing address is:

UCSC Faculty Association
University of California
Santa Cruz, CA 95064

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