

# NLRB Rules that Graduate Assistants at Private Universities May Unionize

## Labor & Employment Law Update

By Julie Proscia on August 23, 2016

Today, August 23, 2016, the National Labor Relations Board issued a 3-1 decision ruling that graduate students, who work as teaching and research assistants at private universities, are entitled to collectively bargain.

The NLRB did so by expanding its interpretation of the definition of statutory employees to include student assistants working at private colleges and universities. The decision reversed a 2004 decision involving a similar campaign at Brown University. While many graduate students at public universities are already unionized, their right to do so was covered by various state laws and not federal law.

The controversy in question involved a bid by the United Auto Workers to organize graduate students at Columbia University. The University argued that collective bargaining would intrude on the educational relationship between graduate students and their universities. While this argument was successful in the past it did not sway the current Board. Rather the Board countered that the argument “is unsupported by legal authority, by empirical evidence or by the board’s actual experience.” Moreover, the Board noted that the Act contained no clear language prohibiting student assistants from its coverage and further found no compelling reason to exclude student assistants from its protections.

Although it is not clear whether or not the expansion will adversely impact the educational experience it is clear that the NLRB is progressively gaining ground in their goal to expand labor rights one step, or in this case, student at a time.