

## *Fact Sheet: Graduate Student Organizing in the U.S.*

*On university campuses around the country graduate students work as teaching and research assistants while pursuing advanced degrees. As workers graduate students perform such tasks as teaching introductory courses, grading papers and exams, preparing syllabi, leading seminars, and mentoring students. According to the National Association of Graduate- Professional Students there are approximately two million graduate students in the U.S. Many of those students, says the United Auto Workers of America, perform more than 50 percent of the teaching and grading at private universities. At the University of Pennsylvania, a school that will likely be affected by the NLRB decision, graduate students teach more than 70 percent of the introductory lecture and laboratory courses.*



**On July 13, 2004, in a decision involving *Brown University* the National Labor Relations Board (NLRB) ruled 3-2 that graduate student assistants are not statutory employees of the university and thus not entitled to the organizing and collective bargaining rights afforded other university employees under Section 2(3) of the National Labor Relations Act (NLRA). According to the majority, graduate student assistants, "...have primarily an educational, not economic relationship with their employees". They further stated that it is not "...national labor policy to accord such persons collective bargaining rights because they are primarily students".**

This decision overrules a NLRB decision made in 2000 involving *New York University* (332 NLRB 1205), which found that graduate student assistants were employees within the meaning of Section 2 (3) of the NLRA. The NYU decision had overruled the 25 year precedent made in *Leland Stanford Junior University* (214 NLRB 621) in which graduate assistants had not been regarded as statutory employees.

According to the dissenting board members, "collective bargaining by graduate students is increasingly a fact of American university life." They also stated:

*"... [now] Not only can universities avoid dealing with graduate student unions, they are also free to retaliate against graduate students who act together to address their working conditions."*

Denying graduate students labor rights, says the dissent, will lead to increased labor disputes on campus.

*The NLRB decision will not affect employees of public universities such as the University of California and the State University of New York because public universities are governed by state laws, which the board has no jurisdiction over.*

For more information on this and other NLRB rulings sign up for American Rights at Work's *Worker's Rights Watch: Eye on the NLRB* at [www.americanrights@work.org](http://www.americanrights@work.org). For more information on how you can get involved in the fight for graduate student's rights to organize and bargain collectively contact SLAP at 202.393.1044 ext. 221 or e-mail [slap@usstudents.org](mailto:slap@usstudents.org).