

Union Organizing and Graduate Students FAQs

In a decision last August ([Columbia University](#), 364 NLRB No. 90 (Aug. 23, 2016)), the National Labor Relations Board (“NLRB”) ruled that graduate students in private universities who work as teaching assistants or research assistants are “employees” under federal labor law.

On February 27, 2017, Local 500 of the Service Employees International Union (“SEIU”) filed a petition with the NLRB (05-RC-193768) seeking to unionize many of our current graduate students. AU and the SEIU have reached an agreement on the holding of a democratic election in which eligible AU graduate assistants will vote on whether they wish to be represented by the union.

Here, the Bargaining Unit is defined as:

All Doctoral and Masters students in American University departments employed at the University’s campus in Washington, D.C., who are working toward degrees offered by American University, and who are employed by American University and supervised by faculty to provide instructional or research services in undergraduate or graduate-level courses or labs, including, but not limited to, Teaching Assistants, Research Assistants, Graduate Assistants, Laboratory Assistants, Teaching Apprentices, Dean’s Fellows, Instructors, Graders, Preceptors, Section Leaders, and Tutors.

But excluding any full-time or regular part-time American University employees and faculty, students who are working in grant funded positions where the University does not control their wages, adjunct faculty who are included in the bargaining unit certified in NLRB Case Number 05-RC-070027, managers, guards and supervisors as defined by the National Labor Relations Act.

American University recognizes that most of those graduate students who are eligible to vote in the coming election likely have never been part of a labor union. For this reason, the University has put together these “FAQ’s” to provide some background information on what a union is and what unionization could mean to our graduate students.

What is a union?

A union is a private organization that represents a group of employees in their dealings with their employer. The group the union represents is called a “bargaining unit.” A union negotiates with the employer over terms and conditions of employment on behalf of all members of the bargaining unit.

What is a “secret ballot election?”

A secret ballot election is conducted by the NLRB. In this case, voting will take place via mail-in ballots, and the NLRB will count the votes after the end of the voting period. If a majority of those who vote in the election vote “yes,” everyone in the bargaining unit is represented by the union. The opposite is true if a majority of those who vote in the election vote “no.” Just like in American politics, this means it is possible for a small group of voters to determine the results of the election. Even if you do not vote, you will be bound by the results of the election. For this reason, it is important that all graduate students who are eligible to vote do so.

Am I eligible to vote?

If you fall within the defined bargaining unit, you are eligible to vote. A list of eligible voters will be provided to the NLRB and the union, and you will be notified of your eligibility and the details of how voting will occur.

How will the mail-in balloting be conducted?

The NLRB will place ballots for all eligible voters in the mail on **Monday, March 20**. To be counted, your completed ballot must be *received* (not just postmarked) by the NLRB by no later than **Monday, April 10**.

I am eligible and would like to vote. What do I need to do?

The NLRB will mail a ballot to your most recent address on file with the University. Information on how to complete the ballot and mail it back will be included. Read it carefully and follow those instructions; otherwise, your ballot may not be counted. You will be asked to mark “yes” if you want to be represented by the SEIU and “no” if you do not want representation.

If a majority of graduate students vote against the union, can there be another election at a later date?

Yes. There is a one-year waiting period after an election until another election can be held. The same union or a different union can seek an election one year later.

If the union wins the election, can the students vote it out at a later date?

Once a union wins an election, it remains the “certified representative” indefinitely and will represent all students within the bargaining who enroll in the future. The process to decertify (or remove) a union typically also requires a vote, and it is a complex process that can take years to complete.

Will students remain in the union regardless of their status with the University?

No. The union will represent only those graduate students who meet the definition of those who are in the bargaining unit. If a graduate student no longer falls within that definition, that student will no longer be in the bargaining unit.

Will students who are represented by the union have to pay dues or a fee?

This would be a subject of negotiation, but typically yes. A union needs to charge its members' dues and/or fees to cover its operational costs, including salaries and expenses for union personnel.

How would having a union represent me make things different for me as a teaching or research assistant?

It is difficult to predict exactly what would change if a union represented you. As a result of collective bargaining, terms and conditions of employment may get better, get worse, or stay the same. However, union members are typically required to pay dues or fees to the union. It is also possible that you may lose the ability to work directly with faculty, a Department Chair, and the University Administration when it comes to issues such as stipends, teaching remuneration, and work or research hours. You will be represented by an outside organization (a labor union) for purposes of negotiating a unified set of terms and conditions of employment, whereas a non-unionized group of students would be able to directly and individually communicate with faculty and the administration regarding working conditions.

If a union wins an election, will I lose some of the rights and privileges I currently enjoy?

That would depend on what is included in the collective bargaining agreement. It is possible that faculty would no longer be able to negotiate pay for research assistantships directly with students. Likewise, rules could be implemented that dictate how TAs are selected. It could be that assistantships must be negotiated exclusively with the union, with the union deciding what it thinks is best for our graduate students.

What impact could a union have on off-site research activities such as conference/workshop attendance, field work, or research conducted at other universities?

That is not clear. If such activities are characterized as part of your work as an RA or TA, funding for conferences, travel and other work could be subject to negotiation with the union.

How does the collective bargaining process work?

Representatives of the University and a team of union negotiators would meet at agreed upon times and places to discuss the union's bargaining demands and the University's responses. The University is not required to agree to anything; its only obligation is to meet with the union at reasonable times and places and bargain in good faith.

Who would serve as the negotiators for the union?

Typically, the union has a paid professional staffer serve as its lead negotiator. The other members of the union "bargaining committee" are selected by members of the

union. The exact process is usually set forth in the union by-laws.

Will each student represented by the union be given a chance to decide what the union asks for in bargaining?

That depends on the union's rules. Usually, the union bargaining committee meets with members of the bargaining unit and solicits proposals. The specific demands that are communicated to the University at the bargaining table are usually decided by the bargaining committee.

What happens if the University will not agree to the union's demands?

If the parties cannot reach an agreement, an impasse in bargaining may be declared. If that were to happen, the University may have the right to unilaterally implement the terms of its last offer. Additionally, if no agreement is reached, the Union may call the students out on strike to put pressure on the University to agree to its demands.

Where can I go to learn more about varying views on unionization?

There is also a wealth of information about the pros and cons of student unionization available in briefs submitted in the *Columbia University* case. One brief was submitted by the AAUP (the American Association of University Professors) and the other by a group of peer institutions (Brown University, Cornell University, Dartmouth College, Harvard University, Massachusetts Institute of Technology, University of Pennsylvania, Princeton University, Stanford University, and Yale University). These briefs can be found on the [NLRB website](https://www.nlr.gov/case/02-RC-143012) at <https://www.nlr.gov/case/02-RC-143012>

How have other colleges and universities handled efforts to unionize?

A number of colleges and universities have faced organizing efforts recently, with varying results. The United Automobile Workers (UAW)'s attempt to unionize graduate students at the [University of Minnesota](#) was unsuccessful, as the petition was defeated by a count of 1,857 to 1,142. Following Harvard University's election in December 2016, the initial vote tally is 1,272 students for unionization and 1,456 against. The results are still [under review](#) due to over 300 ballots that were challenged.

[Loyola University at Chicago](#) voted in favor of unionization last month, with 71 students in favor of unionizing and 49 against. Likewise, at Columbia University, on March 6, the NLRB hearing officer rejected [the University's](#) challenge to the election results in favor of unionization, after students voted by a margin of 1,602 to 623 in favor of unionization.

Most recently, on March 8, [Duke University students](#) withdrew their petition after a preliminary vote tally featured 398 students for unionization by the SEIU and 691 against. The result was not surprising, given efforts by a [student group](#) of vocal [critics](#).

Additional information related to graduate student union efforts is widely available online.