



GSAS Student Unionization Guide for Discussion

During September 2015, a group of graduate students known as the Harvard Graduate Student Union (HGSU) launched an authorization card campaign with the goal of unionizing Harvard graduate students by affiliating with the United Auto Workers Union (UAW). Since conversations about the HGSU-UAW effort are taking place throughout campus, including within departments, GSAS has prepared the following guide for faculty and staff to help inform interactions with students who may be involved with or have questions about the union and Harvard's response. Please be sure to review these important guidelines carefully and particularly note that all information provided to students regarding the unionization effort must be factual, accurate, and free from any suggestion of threats or promises of future changes in benefits or working conditions.

What follows assumes that the National Labor Relations Board (NLRB) would find that graduate students who perform work for the University are employees. Under the current state of the law, however, graduate teaching fellows and similar positions are NOT considered employees and do not have the right to unionize. However, this is being revisited by the NLRB later this year.

The basic rule is: No "TIPS"

No **T**hreats
No **I**nterrogation
No **P**romises
No **S**urveillance

- **Don't Threaten Adverse Consequences If Students Support the Union.** Don't make threatening statements or use intimidating language that might influence a student's decision on whether to sign an authorization card or vote in favor of the union. Don't make general threats of adverse consequences if the union wins an election. Implied threats are also prohibited. For example, suggesting that existing stipends will be reduced if the union is elected could be viewed as a threat.
- **Don't Interrogate Students about Union Activity.** Don't ask students what they think about the union, how they intend to vote, whether they have signed an authorization card, the names of other students who support the union and/or have signed a card, the identity of leaders of the union campaign, or other questions about the union's internal affairs, meetings, etc. If a student volunteers such information, you are permitted to listen, but don't ask other questions to obtain additional information.
- **Don't Promise Favorable Consequences If a Student Votes against the Union.** Don't promise individual students reward or future benefit if they vote against the union. Likewise, don't make general promises of favorable consequences if a majority votes against the union. Implied promises are also prohibited. For example, don't suggest to students that whatever their issues are, they will be addressed by the administration if the union is defeated.
- **Don't Engage in Surveillance of Union Meetings.** Don't spy or eavesdrop on union meetings, or act as though you are trying to find out if students are participating in union activities.
- **Don't Discriminate against Students Based on Union Activity.** Don't treat known union supporters less favorably than other students.
- **Don't Forbid Solicitation Activities during Free Time, Unless They Are Disruptive.** In general, students are free to solicit other students and encourage them to support the union during free time. Organizers who are not students should be allowed the same access to premises as other outside visitors. If organizers are interfering with University business, contact GSAS administration.

Despite these restrictions, you may continue to interact normally with students and, if possible, highlight the benefits they receive from GSAS and Harvard. GSAS is currently assembling a comprehensive list of benefits, which will be shared once complete.

- **Do Continue to Engage with Students in Research, Teaching, and Mentoring.** The existence of a union campaign does not change any aspects of ordinary University activity.
- **Do Stress the Importance of the Academic Relationship between Faculty Members and Students.** It is important to remind students that their academic success is of paramount concern.
- **Do Share the University's Record on Stipends and Benefits, where known.** Provide information to students about the array of benefits that they presently receive, including the University's record of steady improvement over time—without a union.
- **Do Explain the Disadvantages of Union Membership.** There are economic costs to joining a union, including the likelihood that they will be required to pay annual dues. There are also non-economic costs, including the intrusion of a third party into an academic relationship, adding a new political entity (the UAW) with its own agenda to existing relations.
- **Do Explain the Collective Bargaining Process.** The process of collective bargaining requires parties to meet at reasonable times and places to discuss wages, hours, and working conditions. However, the law does not dictate what must go into a contract. Thus, the union cannot guarantee any specific outcome, such as an improvement in stipend or other benefits, as these matters would become subject to collective bargaining. If there is a recognized union of graduate students, the University would bargain in good faith, but the University cannot be forced to accept union demands. The University would also be allowed to propose its own changes to the status quo in negotiations. You can also mention that negotiations for a first contract usually take a year or longer during which time there could not be any unilateral changes to the status quo, including changes in compensation.
- **Do Explain the Election Process.** In order for a union to file a petition for an election with the NLRB, it must obtain authorization cards from at least 30 percent of the employees in an appropriate unit. Students have the right to decide whether or not to sign a union authorization card, and even if they do sign a card and an election is later held, they don't have to vote in favor of the union. If there is an election, it would be conducted by the NLRB and would be a secret ballot election. The election is decided by a majority of votes cast, just like a political election. Also, because the majority of first and second year students do not teach or serve as research assistants, they may not be considered eligible members of a graduate student union.
- **Do Correct Inaccurate or Misleading Union Statements and Campaign Materials.** Inform students of inaccuracies and provide the correct information, if known. Remind students that the union may make promises, but it cannot guarantee anything.
- **Do Provide Information about the Union's Record.** Inform students about the union's local, regional, and national track record representing graduate students, if you are aware of it.
- **Do Maintain an Open Door Policy.** Remain accessible, listen to students' concerns, and be responsive to the extent permissible.

Questions? Concerns? Contact Allen Aloise, GSAS dean for administration and finance, at aloise@fas.harvard.edu.