



October 14, 2015

Dear Colleagues,

As you are probably aware, United Auto Workers (UAW) is working with a group of GSAS students in an attempt to unionize graduate teaching fellows and research assistants. While these efforts are currently focused on GSAS, the organizers' goal appears to be a University-wide bargaining unit that may eventually extend to other Schools at Harvard. I am writing to provide a brief background on these issues and seek your input as we develop and implement our response to their campaign.

Background

Employee unionization rights at private universities are covered by the National Labor Relations Act (NLRA). Until 2000, the National Labor Relations Board (NLRB) held that graduate teaching assistants and research assistants at private universities did not have the right to unionize because they were essentially considered students, not employees. In 2000, the NLRB briefly reversed this decision in a case involving New York University (NYU), which found that, even though they were students, such individuals were also deemed to be employees because they did work for the institution, and thus they were entitled to unionize under the Act. That decision was short-lived and, in its 2004 decision in *Brown University*, the Board ruled that graduate students who are also teaching and/or conducting research are not covered by the NLRA since the relationship between the students and the universities is primarily an academic and not employment one. That remains the state of the law today.

This ruling did not mean that an institution could not *voluntarily* recognize a graduate teaching assistant/research assistant union. In 2014, NYU voluntarily agreed to a non-NLRB supervised election and, as a result of that vote, recognized a unit of graduate student teaching and research assistants in a bargaining unit represented by the UAW. NYU is the only private university to have recognized this type of union.

As of fall 2015, however, two cases are pending before the Board (*Columbia University* and the *New School*) that seek reconsideration of the *Brown* ruling. The membership of the NLRB has changed completely since 2004, and is now generally perceived as a much more labor-friendly agency. If the Board decides to reverse its decision again, private universities would be required to recognize and bargain with graduate student unions if such unions win representation rights in elections conducted by the NLRB. Hoping that the Board will change its position or that universities will agree to recognize the union voluntarily, organizing efforts are underway at Harvard and elsewhere.

The organizing effort here at Harvard is part of a national effort to unionize graduate students at private colleges and universities around the country. Similar messages and strategies are being used by organizers in campaigns at private universities. At public universities, collective

bargaining and recognition of employee unions is set by state law, not the NLRA. Many state laws have allowed for graduate teaching assistant/research assistant unions. Most of the 31 existing unions of graduate students are at public universities.

One national website around these efforts, #WeAreWorkers, describes the goals of the nationwide graduate student unionization effort as follows:

[We] are seeking to define academic labor as labor, with the broader aim of reforming higher education. Having a voice in determining the terms of our labor will help us make the university a place where teaching and research are the first priority.

<https://weareworkersblog.wordpress.com> (10/6/15).

Organizing Activities at Harvard

A group called Harvard Graduate Students Union/United Auto Workers (HGSU/UAW) is collecting student signatures on cards that would authorize the UAW to represent them through collective bargaining with the University on matters affecting wages, hours, and other terms and conditions of employment. By unionizing, these graduate students expect to secure:

- A stronger voice in governance
- Improvements in financial benefits and security (stipends, health insurance, child care, and others)
- A better grievance-resolution mechanism
- Improvements in conditions such as class size, teaching commitments, lab conditions, and workload

Organizers attended graduate student orientation activities, initiated discussions with students in departments, created a website (hgsuuaw.org), and launched an email campaign. These efforts are directed at collecting signed authorization cards from 60 percent of students who meet the criteria for the bargaining unit *by the end of the fall semester*, though the organizers could seek action and an election with just 30 percent of students signing cards. It is also possible, indeed likely, that the union might also first ask the University to voluntarily recognize the organization as the representative of the graduate teaching fellows.

The intended scope of the bargaining unit that the UAW would seek is currently unclear. The website states that the group is “seeking to represent any graduate student workers doing teaching or research work, on all Harvard campuses.” This may be limited to PhD students enrolled at GSAS (although they may be studying, teaching, and/or researching at one of the other Schools). They may also seek to include non-GSAS graduate students, provided that they are engaged in teaching or research work.

Without voluntary recognition, the unionization effort would ultimately depend on the status of the two pending Board cases. If the 2004 *Brown* decision is upheld, graduate students would not have the right to unionize under the Act, and the University would not be required to voluntarily recognize any such “union.” If, however, the Board determines that graduate students can be considered employees under the NLRA when they engage in teaching or research activity, then

the matter could proceed to an NLRB election and further proceedings before the Board. If such an election is conducted, and if a majority of those voting cast their vote for the union, then the UAW would become the exclusive bargaining representative of everyone in the unit, regardless of who voted. In that respect, NLRB elections are just like any political election; the outcome is determined by a majority of those who vote.

GSAS Communications Plan

We believe, as do President Drew Faust and Edgerley Family Dean of the FAS Mike Smith, that there must be a full and open conversation on unionization, with robust communications to graduate students, faculty, and the broader university community (including undergraduates) about the facts on the generous financial aid, tuition, stipend, housing, health care benefits and other support and services that are already provided to graduate students.

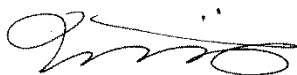
As President Faust was recently quoted in the *Crimson*, “We really think that it’s a mistake for graduate students to unionize, that it changes a mentoring relationship between faculty and students into a labor relationship, which it is not appropriate and is not what is represented by the experience of graduate students in the University.”

Further, we believe we must provide accurate information about GSAS practices and policies in response to inaccurate claims that are published or reported. And we will urge our community to ask questions and get answers when changes and improvements are promised.

GSAS is putting into action a communications plan to achieve these goals. Because the organizing effort appears to be aimed University-wide, we welcome your input and engagement on these issues. Please contact [Allen Aloise](#), GSAS dean for administration and finance, with any questions, ideas, or thoughts. We are particularly interested in what you may be experiencing at your school in terms of organizing activity.

I will be in touch as the situation develops.

Sincerely,



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