

National Labor Relations Board Determines Graduate Student Assistants Allowed to Organize



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On Tuesday, August 26, 2016, the National Labor Relations Board (NLRB) ruled 3-1 that graduate students working in the capacity of research assistants and instructors at private universities are entitled to collective-bargaining rights. The decision overturns the NLRB's previous position that allowing graduate students to bargain would improperly intrude into the educational process.

Finding first that the statutory text of the National Labor Relations Act (Act) broadly defines "employee" to encompass student assistants who are common-law employees of their institutions, the NLRB then examined whether compelling statutory and policy considerations required an exception to this definition. The NLRB rejected the notion that allowing graduate students to bargain would compromise academic decisions involving class size, time, length, and location, as well as decisions concerning the formatting of exams. Columbia University could not persuade the Board that collective bargaining conflicted with student-teacher relationships, the educational process, or the traditional goals of higher education.

Private universities should be aware that this decision may have impacts beyond allowing graduate student assistants at private universities to form labor unions and collectively bargain. The broad language of the ruling may also implicate undergraduate work-study programs. Until subsequent decisions further clarify the impact of the "employee" classification for graduate students, private universities will be in uncharted territory when navigating the complexities of the student-employee relationship.

[The full text of the NLRB decision can be found here.](#)

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