

Faculty FAQ on Graduate Student Unions

From the University of Pennsylvania Chapter of the
American Association of University Professors (AAUP-Penn)

<https://aaup-penn.org>

Graduate students in my school/department/lab have good funding packages and working conditions. Why do they need a union?

- Many graduate students who are happy with their conditions support unionization because they care about equity: they want all graduate student workers to have the support that they do. Moreover, a legally binding union contract can provide security for graduate students who like their terms of employment: what they have can't be unilaterally revoked or degraded. Unionization also gives graduate student workers a means to negotiate for future cost of living adjustments when needed; the University will not automatically raise compensation again without pressure to do so.
- Today's working conditions are not timeless facts but products of past mobilizations. In recent decades, union organizing drives by graduate student workers have led universities nationwide to improve funding and benefits packages. The positive results we see today (including recent stipend raises) are evidence that organizing works to improve our universities—not that it's needless or destructive.
- A union gives workers a voice in decisions that affect their lives. It brings democracy to the workplace. You don't have to dislike your job to believe in that.
- Today, even students working under the best circumstances lack comprehensive dental and vision benefits. Some need better health care coverage for chronic conditions, while others need care for dependents. Many international students struggle with visa precarity and higher overall expenses. There are graduate student workers who need safer working conditions and stronger protection from harassment and discrimination. Students with disabilities are seeking to make our university truly accessible to all. To learn more about the issues that GET-UP is addressing, see their website: <https://getup-uaw.org/issues/>

I'm a conscientious advisor. Voting for a union seems like a hostile gesture toward me—an indication that I'm not meeting my students' needs.

- Supporting a union isn't commentary on one's advisor: many pro-union grad students have good relationships with their advisors. Again, they want to make sure that all grad students—not just those with conscientious advisors—have good working conditions.
- The issues that grad students are organizing around are not things that we as faculty advisors can provide: they require action by the administration. With a union, grad student workers will be able to bargain collectively with the people who actually control funding, benefits, support for international students, disability and accessibility policy,

and harassment policy. Many of us know from difficult experience the limits of our ability to get students what they need through our own advocacy. It will be good for them *and* for us when they can bargain collectively with the administration for improvements in those areas.

I'm worried that a union will hurt my relationship with my advisees.

- Graduate student unions have existed for many decades at public universities in the United States, and for roughly two decades at private universities. Scholarly research has shown that they do not harm advising relationships. See Sean E. Rogers, Adrienne E. Eaton, and Paula B. Voos, "Effects of Unionization on Graduate Student Employees: Faculty-Student Relations, Academic Freedom, and Pay," *ILR Review* 66(2), April 2013: 487-510.
- Unionization can improve advising relationships by making students less dependent on their advisors for economic security. When graduate student workers can negotiate their terms of employment with the administration, advisors can spend more time on intellectual mentorship and less time hustling to get funding and other support for students. In other words, graduate students have an employment relationship with the university administration and an intellectual mentoring relationship with their advisor. A union can usefully distinguish those two relationships from each other.

I'm worried that union activity will distract my students from their academic work.

- Without a union, graduate students already spend time advocating for themselves when they need funding, visas, benefits for partners and children, or accountability for harassment. They and their advisors often struggle to navigate the university as individuals. Having a union will give graduate students a new source of support that can make their efforts more effective. A collective bargaining agreement can also improve conditions across the board, reducing the need for individual hustling. Overall, a contract can provide the economic security and stability that will help students do their work.
- It's true that an organizing drive takes time and work. That is fundamentally because the administration is running an anti-union campaign designed to drag out the election process and spread misinformation. The administration is wasting our students' time by making the organizing drive more conflictual, confusing, stressful, and protracted than it needs to be. If the administration respected our students' time and academic work, it would end the anti-union campaign.

I don't think graduate research assistants and teaching assistants are workers. This is an apprenticeship relationship in which their research and teaching are part of their training as students.

- It's not our prerogative—or Penn's—to decide who is a worker with the right to unionize. Under the 1935 National Labor Relations Act, the National Labor Relations Board (a federal agency) determines who qualifies as an employee with the legal right to form a

union and engage in collective bargaining. The NLRB ruled in the 2016 *Columbia* case that graduate research assistants and teaching assistants at private universities are employees with the right to organize. They are exercising their legal right to do so, and we must respect that fact.

- In their roles as research and teaching assistants, graduate students clearly do work for pay under the university's supervision—the common-law definition of employment. Moreover, as advisors, we know that they do more RA and TA work than what's strictly necessary for their education and training. For example, TAs and graders do much more grading than is required to learn how to teach; we depend on them to do tedious work that faculty frankly don't want to do and that the university could not function without. Another example: in 2021, SAS began adding service requirements to COVID funding extensions. Faculty were explicitly told that these teaching and grading requirements were added because SAS had a labor shortage. It wasn't for the sake of the students' education. To take another example, some students in lab sciences have been kept on for a sixth year not because they needed the time to complete their dissertation research but primarily because they were experienced researchers valuable to their PI's research.
- The fact that graduate teaching and research assistants have an employment relationship with the university *as RAs and TAs* does not negate the fact that they may also have an educational relationship as students. As the NLRB's *Columbia* decision explained: “a graduate student may be both a student *and* an employee; a university may be both the student's educator *and* employer.” Unionization allows TAs and RAs to bargain collectively with the administration over their terms and conditions of employment *as TAs and RAs*, not to bargain with professors over, say, the terms of an assignment in a class they are taking *as students*.

I worry that a union would impose rigid rules preventing students and advisors from making individualized arrangements that are in students' own interests—say, working extra hours in a lab for the sake of the student's own dissertation research.

- Union contracts take many forms, and unions at US universities have long negotiated contracts protecting some forms of flexibility while establishing guarantees that workers need. For instance, the contract for graduate teaching and research assistants at the University of Washington protects against excessive workload by setting an hourly limit to the amount of work that may be assigned, but it allows work assignments for research assistants to exceed their hourly limit if that work contributes to their dissertation project. Postdocs at the University of California chose not to bargain for an hourly limit to their workload. Instead, their contract protects against excessive, unnecessary workload by stating that “work schedules must be reasonable, and related to research needs.”
- Today, without a union, graduate students are already subject to rules. Having a union would simply allow them a voice in determining and enforcing them. For instance, in recent years, the administration has unilaterally created new work rules by adding service requirements to COVID extension funding—a change that made it more difficult for some students to complete their research. With a union, graduate student workers would

be able to negotiate changes in terms of employment to ensure that new rules are fair and support their ability to complete their research.

- When workers organize in the United States, employers of many kinds routinely argue that their workplaces are uniquely flexible and ill-suited to supposedly rigid union contracts. This argument loses its luster when one realizes that big-box employers, manufacturers, and institutions of higher education all make it—and that unions have long operated in all those sectors.

I'm worried that a union will create a conflictual environment on campus and disrupt university life.

- The philosophy behind the 1935 National Labor Relations Act was that unions stabilized employment relations by providing workers with an organized, collective voice, and by creating formal procedures to negotiate terms of employment and adjudicate grievances. The law was passed after a half a century of violent labor conflict in the United States, and one year after a massive strike wave swept the country. Congress recognized that depriving workers of organized representation did not make them quiescent but rather created conditions for uncontrolled conflict.

The history of graduate student unions provides evidence for this view. In 2000, NYU graduate student workers voted to form a union, and in 2001, they ratified a four-year contract with the university. Meanwhile, in 2004, the National Labor Relations Board, appointed by the George W. Bush administration, issued a new decision (since overturned) holding that graduate student workers were not employees with the right to organize under the National Labor Relations Act. Legally, NYU could have continued to recognize the union voluntarily and bargain a new contract, but the federal government no longer compelled it to do so. As a result, when the graduate student workers' contract expired in 2005, NYU refused to come to the bargaining table. It was at this point—after NYU withdrew recognition of the union and workers were deprived of the ability to bargain collectively—that NYU graduate students went on strike. As the National Labor Relations Board noted in its 2016 *Columbia* decision, which restored collective bargaining rights to graduate student workers, “Without the protection of the [National Labor Relations] Act, student assistants lacked recourse to the orderly channels of bargaining and instead chose to resort to a more disruptive means of resolving their dispute with the University.”

- Whether or not graduate student workers form a union, they have the legal right under the NLRA to engage in concerted activity to address shared concerns. By resisting unionization and the improvements it might bring, administrators give student workers reason to make expansive use of those rights. A union, in other words, should be understood as one vehicle through which workers can act, not an institution that introduces the possibility of collective action where none exists.
- As explained above, unionization allows TAs and RAs to bargain collectively with the administration over their terms and conditions of employment *as TAs and RAs*, not to

bargain with professors over, say, the terms of an assignment in a class they are taking *as students*. Faculty advisors do not control the policies that graduate student workers are trying to improve through unionization—pay, benefits, policies on accessibility and harassment, support for international students, and so forth. Therefore, advisors would not be parties to collective bargaining between a union and the administration, and there is no reason to believe that unionization would create conflict between us and our advisees.

I worry that in the lab sciences, improved pay and benefits for research assistants would come out of my lab's grants, compromising our research.

- The administration has latitude to decide how much it takes out of grants to cover graduate students' tuition and other costs. Improved pay and benefits for research assistants don't need to come out of grants for research. Indeed, they shouldn't.

I don't think graduate student unions belong at a university like Penn.

- Graduate students are unionized at most of Penn's peer institutions, including Harvard, Yale, Columbia, Brown, Stanford, the University of Chicago, Duke, Georgetown, Johns Hopkins, Northwestern, MIT, NYU, UC Berkeley, UCLA, the University of Michigan, the University of Wisconsin, and CUNY. Indeed, graduate programs at some of these institutions are now more competitive than Penn's programs because unionized graduate student workers have been able to bargain for better support and compensation and more equitable policies.

The Provost's office says faculty advisors are managers and have to behave as such. What choice do we have?

- We are under no obligation to pass the administration's anti-union messages along to students. Administrators may direct us to websites with anti-union talking points, and we may decline to repeat or share them.
- The idea that faculty are managers, not employees, originated in anti-union campaigns of the 1970s and has been challenged ever since. In 1976, tenured and tenure-track faculty at Yeshiva University voted to form a union. The administration contested the election by arguing to the National Labor Relations Board (NLRB) that faculty were not in fact employees with the right to organize under the National Labor Relations Act. Instead, Yeshiva claimed that faculty were managers ineligible for unionization. Classifying workers as managers is a common anti-union tactic used during organizing drives. For instance, hospitals have used this argument to prevent nurses from unionizing. In the Yeshiva case, the NLRB ruled against the university administration, affirming that faculty were indeed employees. However, Yeshiva appealed that decision, which went all the way to the Supreme Court. In 1980, the Court ruled against faculty in a narrowly divided 5-4 decision. The majority opinion argued that faculty exercised control over academic matters such as curricular content and degree requirements. Yet the AAUP has consistently argued that those forms of control are not expressions of managerial status.

Instead, they are constitutive elements of academic freedom. They are in fact designed to limit administrators' managerial authority over academic matters that are rightly the purview of faculty members. In other words, they do not make faculty agents of the administration, but insulate faculty from managerial control. In the case of graduate advising, moreover, faculty advisors do not have the managerial authority to determine graduate workers' pay, for instance, or the number of semesters they teach.

To this day, the 1980 *Yeshiva* decision prevents tenured and tenure-track faculty at private universities from forming collective bargaining unions. Now, as other workers at Penn exercise their legal right to organize, the Provost's office is redeploying this flawed argument to tell faculty to see ourselves as extensions of an administration conducting an anti-union campaign.

I already passed along some of the messages from the Provost's guidelines to students, not realizing that they were anti-union talking points. What can I do?

- You can let students know that you have rethought those comments and take them back. Explain that you will respect whatever decision they make on unionization, and that you don't need to know their position, either. It's their choice to make.

What is a reliable source of information to learn more about graduate student unionization?

- [GET-UP](#) has an informative website explaining the issues they're mobilizing around, answering frequently asked questions, and responding to the misleading messages in Penn's anti-union websites and communications.
- All faculty were once graduate students and many were themselves in unions that helped them to become faculty in the first place. Talk with them and find out about their experiences.