

## **Communication with Graduate Students About Union Issues**

The university is encouraging graduate students who are eligible to vote in the election on September 19, 20 and 21, 2023 to learn about how collective bargaining works and what it can mean to have a union involved in their graduate experience. As the election approaches, students may come to you with questions or ask to talk about the union. Students who support or oppose the union may also want to engage with you, or with other students about the union effort.

Navigating these conversations can be challenging and the laws around what we can and cannot say and do is complicated. **It is important for you to understand the basic guidelines for these conversations and the rules that apply when speaking with graduate students about union organizing.**

Please review the FAQs below to understand basic information about graduate unions and how to navigate communications with students about these issues.

### **Graduate Union Basics**

#### **Do graduate students have the right to join a union? Aren't they students?**

They are students, but the National Labor Relations Board (NLRB) ruled in 2016 (the *Columbia* decision) that student graduate assistants who receive a stipend for performing various teaching and research tasks are considered “employees” under the National Labor Relations Act. As “employees,” they have the right to join or form a union. If elected, the union can demand that the university bargain over the “terms and conditions” of their employment, which the NLRB considers their teaching assistantship (TA) or research assistantship (RA), or hourly research/teaching responsibilities.

#### **Can all graduate students be part of a union?**

Not all graduate students, but many. The Boston region of the NLRB has determined that all Northeastern graduate students who perform teaching or research functions on at the Boston, Nahant or Burlington campuses and on an SGA or are paid hourly can elect a union as their representative. Graduate students on a fellowship are excluded.

## **Does having a union change the relationship with my graduate students?**

It can. As a technical matter, graduate students who are considered employees are now under the supervision of faculty who now become “supervisors” in an employment relationship. With a graduate union, you would be prohibited from dealing directly with your graduate students about any subject that must be bargained with the union according to federal labor law.

## **What must be bargained with the union?**

Unions act as the “exclusive bargaining representative” with the university over “terms and conditions” of an SGA or other teaching/research responsibilities. With a graduate union, for example, you would not be allowed to deal directly with one of your TAs about changing their work schedule if that is a subject the union has sought to negotiate with the university. Work schedules would likely be considered a “mandatory subject of bargaining” that the union can insist be negotiated with the university, and not handled directly between graduate students and faculty.

It is not clear how many “terms and conditions” of the teaching and research relationship must be left to negotiation with the union, but unions often insist on bargaining a long list of issues, including as examples, compensation, work schedules, access to supplies and space for teaching and research work, intellectual property rights, paid time off, nature of and access to training, teaching or research assignments based on seniority, paid holidays and many other issues.

## **How long would bargaining take?**

Bargaining can take weeks, months, or years. Negotiation for the first graduate union contract at Harvard took over two years.

## **Can graduate students strike?**

Yes. Because the NLRB has concluded that some graduate students are employees, they have the right to strike. It is always possible during negotiations that the union will call a strike. Graduate students who take part in a strike do not receive their stipend or compensation while out on strike.

## **What changes can I make to terms and conditions of a research or teaching assignment during negotiations?**

As a general matter, if a union were elected Northeastern would be required to maintain the status quo regarding terms and conditions of research and teaching assignments that are subject to bargaining. You should contact the Associate Dean for Graduate Affairs in your college for guidance before making any changes that you believe would impact the terms and conditions of a particular teaching or research assignment.

### **Communication with Graduate Students**

## **What are the basic rules for discussions with graduate students about unions?**

What can and cannot be discussed is very regulated under NLRB law and there are certain basic [legal guidelines](#) that apply.

1. **Do not threaten.** You should never tell or suggest that supporting or voting for a union – or refusing to support or vote for a union – will result in adverse treatment or consequences for the graduate student or for a larger group of graduate students.

Example: “Unions are expensive and if graduate students elect a union there will be less money available to pay stipends and you will receive less than you do now.”

2. **Do Not Interrogate.** Federal labor law prohibits asking students about union organizing, or whether they or others support a union, the extent of organizing or other questions about any unionization effort. Students are free to share any of this with you if it is unsolicited, but you should avoid asking any follow-up questions in response.

3. **Do Not Coerce.** Students should not feel obligated to discuss their views about unions or union organizing with you. Students may volunteer their views and discuss unions with you, and you may express your personal views about unions, but any discussion should be non-threatening, and the student should not be made to feel obligated to discuss the issue.

4. **Do Not Promise.** Students should never be promised anything or offered anything of value as a means to incentivize support or opposition to a union.

Example: “If students vote against a union then stipends will certainly increase next year.”

5. **Do Not Surveil.** Federal law prohibits surveillance of union organizing or organizing activity, such as student meetings or discussions. Students are free to share with you any information they wish about meetings, discussions or union activity, but you are not allowed to listen in on discussions, or otherwise engage in activity that would represent surveillance.

### **What can I discuss with students about unions and union organizing?**

Subject to the basic rules outlined above for discussions with students, faculty may share and discuss: (1) facts about the union, union organizing or the labor movement; (2) individual opinions about unions; and (3) examples of their own personal experiences with unions or issues related to unions, joining a union or being part of a union. If you hear information that is not factual, you can always correct it.

### **Can I respond to questions from graduate students about unions?**

Yes, subject to basic rules for discussions with students outlined above. If graduate students ask what will happen with their stipends or terms and conditions of their TA/RA work if a union is elected to represent them, or what would be in a union contract, the response should be that “nobody knows for certain.” You should avoid predictions about what might happen because the union will likely demand bargaining with the university, and there’s no way to predict for certainty what will happen in bargaining. Students can be referred to the Provost’s [webpage](#) for more information about unions and what it could mean for students with a graduate union at Northeastern.

### **What if one of my students wants to speak in class about the union?**

Students are not allowed to take up time during class to discuss the union or union representation. If you allow for open discussion of any issues at the end of class, or during a general meeting with your graduate students, then it is perfectly fine to allow students to discuss the union as long as it does not become disruptive. You should not discriminate among students and their views in allowing discussion.

Students should be equally allowed to express their views for or against a union if have a forum for open discussion of issues.

**Can I call a mandatory meeting of my graduate students for the purpose of discussion the union election or my views about unions?**

No. Faculty should not require graduate students to attend a meeting to discuss graduate unionization or the election. You may always invite students to take part in a discussion, provided it is clear that participation is voluntary and that any decision to not take part will be respected and not result in any adverse treatment. It is important during any discussion of union issues with students that all opinions, whether for or against a union, be respected.

**Can I meet with a student in my office to discuss the union election?**

No. That might be perceived as coercive.

**I still have questions.**

Faculty with additional questions should review information on the Provost's [webpage](#). If you still have questions, contact the Associate Dean for Graduate Affairs in your college.