

Graduate Student FAQs on Unionization

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What is a union?

A union is an organization that serves as an agent representing a specific group of employees. This group is called a “bargaining unit.” A union negotiates on behalf of this group of represented employees to establish collective terms and conditions of employment, such as pay and benefits. The University has had positive and productive relationships with University staff unions that represent skilled trades, clerical employees, and police, among others, for many years.

How is the union chosen? Who decides which union will represent graduate students?

Normally, a group of workers that want to unionize will affiliate with an established labor union, such as the United Auto Workers or the American Federation of Teachers, for purposes of organizing a new chapter. Once the group has affiliated with a labor union, organizers employed by the union will collect “authorization cards.” If a union is able to collect enough cards to constitute a valid “showing of interest” (generally a showing that 30 percent or more of the employees the union seeks to represent want union representation), the union can file a “representation petition.” The National Labor Relations Board (NLRB) will then hold a secret-ballot election.

How did GSU decide to affiliate with the American Federation of Teachers (AFT) and the American Association of University Professors (AAUP)?

Some years ago, GSU chose to affiliate with both the AFT and the AAUP. In October 2016, GSU held a referendum to allow members to vote on whether to stay with AFT/AAUP or to switch to an affiliation with the Service Employees International Union (SEIU). Four hundred and eighty one GSU members participated in the referendum, voting for AFT/AAUP over SEIU by a margin of 302-179, approximately 63 percent. GSU is now seeking to form a bargaining unit of approximately 2,000 graduate teaching and research assistants, most of whom did not participate in the referendum which resulted in the selection of AFT/AAUP as national affiliates.

What are authorization cards? How are they used in the unionization process?

Authorization cards are written declarations signed by members of a potential bargaining unit stating that they want a particular union to be their exclusive representative for the purposes of negotiating the terms and conditions of their employment with their employer. Typically, unions collect authorization cards as part of an organizing drive – that is, an attempt to show that there is a substantial interest in unionizing and a desire to have the union serve as the exclusive bargaining agent. It is important to remember that each eligible voter is always free to vote however he or she wants in the secret ballot election, regardless of whether a voter has previously signed an authorization card.

How do unions obtain the right to represent employees?

Union representation is determined by a secret-ballot election in which those eligible to be in the bargaining unit are invited to vote “yes” or “no” on the question of union representation. If a majority of those who vote choose union representation, all eligible voters – and those who follow them into union-represented positions in the future – would be exclusively represented by the union in their dealings with the University concerning pay, benefits, and other “terms and conditions of employment.”

What is the election process?

A representation election is a secret-ballot election conducted and supervised by representatives of the National Labor Relations Board (NLRB), a federal government agency. Voting would likely take place at an easily accessible location on campus on a specified day, during specified hours, or via a mail-in process.

Who should vote?

Every eligible person should vote because the election outcome is determined by the majority of those who vote, not a majority of those eligible to vote. Thus, union representation for non-voters will be decided by those who vote. Eligible voters are people who are part of the defined voting unit at the time of the election. Due to problems with the AFT/AAUP's description of the proposed bargaining unit (*i.e.*, who can vote and who AFT/AAUP want to represent) and the union's unwillingness to remedy these problems, the University and AFT/AAUP are presently litigating the question of who should be eligible to vote.

Will students have access to a draft of the proposed contract or a list of provisions that would be negotiated prior to a vote on unionization?

No. The National Labor Relations Act requires employers and unions to bargain collectively with respect to "wages, hours, and other terms of employment," which are broad concepts. Bargaining does not occur until *after* the union has won the representation election. The union's agenda for bargaining is typically determined by union leadership, in this case the American Federation of Teachers (AFT) and the American Association of University Professors (AAUP), in consultation with their members.

Could graduate students "opt out" of the union by not voting?

No. The results of any election would bind everyone in the bargaining unit, including students who do not vote, students who vote "no," and future students who won't have a chance to vote.

If there is an election and graduate students vote NOT to unionize, can graduate students have another election at a later date?

Yes. There is a one-year waiting period after an election until another election can be held. If a majority of voters voted against union representation, the same union or a different union could seek an election one year later.

If an election results in representation by a union, when could there be another election to remove the union?

Union elections are not like political elections, which happen regularly to determine voters' representatives. Once a union is certified as the exclusive representative of a bargaining unit, it remains so indefinitely and will represent all students who will matriculate in the future. The process to decertify (or remove) a union typically also requires a vote, and it is a complex process that can take years to complete.

Who will be in a union at UChicago?

The AFT and AAUP are seeking to create a bargaining unit consisting of "All graduate students who are regular full-time and part-time teaching assistants, research assistants, course assistants, workshop coordinators, writing interns, preceptors, language assistants, instructors, and lecturers in the School of Divinity, School of Social Services Administration, Division of Social Sciences, Division of Humanities, Division of biological Sciences, Division of Physical Sciences, and Oriental Institute at the University of Chicago." Under federal labor law, members of a bargaining unit must have enough in common that they are deemed to share a "community of interest." Presently, a hearing is underway in the NLRB to determine whether the bargaining unit which the AFT/AAUP are seeking to create is structured appropriately. Usually, the NLRB gives unions wide leeway to decide who has a community of interest and therefore should be grouped together in a bargaining unit.

Parameters of recent graduate student bargaining units at other universities can be found [here](#).

Would status as an international graduate student impact eligibility to be included in the union?

No. International student status does not impact eligibility. The process for determining who is included in the bargaining unit applies to all graduate students regardless of international status.

Once the bargaining unit is defined, can it change?

Yes. A bargaining unit (i.e., the group of people a union represents) can change if the union and the employer agree to change it. The bargaining unit can also change if either the union or the employer files a “unit clarification petition,” which is a formal request that the NLRB revise the parameters of the certified bargaining unit. Unless otherwise agreed to by the parties, the union initially proposes a bargaining unit when it files an election petition with the NLRB and the NLRB ultimately decides the appropriate bargaining unit and thus who is eligible to vote.

Can graduate students come in and out of a union depending on their position at the University?

Yes. Because a labor union represents students only in their capacity as teaching and/or research assistants, students could enter the bargaining unit and be subject to union representation when serving as teaching and/or research assistants, but exit the bargaining unit and no longer be subject to union representation at other times.

Would all members of the bargaining unit be represented by the union?

Yes, a union would represent every person in the bargaining unit. Also, under federal labor law, a union can bargain for a provision in a collective bargaining agreement that compels members of a bargaining unit either to become dues-paying union members or to pay the union an agency or representation fee (typically a similar amount to dues). Sometimes dues are a flat annual rate, while other times they are a percentage of wages. The union also could require bargaining unit members to pay initiation fees, as the union at NYU has done. Depending on the terms of the labor contract, failure to pay dues could result in dismissal from a teaching or research appointment.

What would a union do for me as a graduate student?

This is another question we can’t answer now. The National Labor Relations Act (NLRA) requires employers and unions to bargain collectively with respect to “wages, hours, and other terms and conditions of employment,” concepts that the NLRB and the federal courts have interpreted broadly (but not in the context of graduate students in private higher education).

For example, NYU’s graduate student teachers and some research assistants currently are represented by the UAW. After nearly eighteen months of contract negotiations, the UAW and NYU entered into a collective bargaining agreement (CBA, also called a labor contract). The terms and conditions of employment covered by the CBA include wages/stipends, working hours, health insurance, travel and meal expenses, leaves of absence, job postings, and access to offices. The CBA also contains a “just cause” provision limiting NYU’s ability to discharge a graduate student assistant, a grievance and arbitration procedure, and a no-strike clause. Significantly, the labor contract vests “exclusively” in NYU the right to plan, direct and control the university’s mission, programs and objectives; to determine the content and process for performance evaluations, to determine when instruction is delivered; and, in recognition that such matters involve “academic judgment,” the right to determine “who is taught, what is taught, how it is taught, and who does the teaching.” The CBA exempted all disputes over such matters from the grievance/arbitration process.

What would a union prevent me from doing?

It will depend on what is included in the labor contract and what is contained in the union’s by-laws. It is important to take into account that a labor contract governs only students’ activities in their capacities as TAs and RAs. The following are some examples of aspects of your experience as a graduate student that may be affected. Faculty may no longer be able to negotiate pay for research assistantships directly with students. Likewise, rules could be implemented that dictate how TAs are selected. It may be that faculty members retain the right to suggest TAs for their classes, for example, or it could be that assistantships must be negotiated exclusively with the union, with the union deciding what it thinks is best for graduate

students. Additionally, disputes that arise under the labor contract between the University and the union ultimately could be decided by an external labor arbitrator. Also, union by-laws often contain provisions that provide for punishment, such as fines, for various infractions such as coming to work during a strike.

Would the University be able to make exceptions to provisions in the contract to accommodate the individual needs of individual graduate students in the unit?

No. Unless such exceptions are provided for in the labor contract or otherwise agreed to by the union, they are not permitted. Collective bargaining agreements focus on graduate students as a collective, not as individuals.

What if an individual graduate student objected to a provision in the labor contract? Would he or she still be bound by it?

Yes. Collective bargaining is, as it sounds, collectivist in nature. This means that the union speaks and acts for all graduate students in the bargaining unit, and the provisions in the labor contract it negotiates apply to all unit members, unless exceptions and differences are provided for in the contract.

What can a union bargain for?

The National Labor Relations Act (NLRA) requires employers and unions to bargain collectively with respect to “wages, hours, and other terms and conditions of employment” – concepts that the NLRB and federal courts have interpreted broadly. The NLRB and the federal courts have no experience analyzing what are “terms and conditions of employment” for graduate students whose teaching and research is part of their academic training. Thus it is possible that disagreements over what is ‘bargainable’ or not in the context of higher education would result in litigation.

If a union wins an election, will graduate students’ stipends and teaching remuneration increase? What about benefits?

We don’t know. There is a common misperception that current stipend levels, remuneration, and benefits serve as a floor and can only improve with collective bargaining. There is no guarantee that any union can obtain improvements in any economic area.

The only example of pay rates for unionized graduate students at a private university is at New York University. The NYU graduate student union (the United Auto Workers) negotiated annual pay raises for research assistants of 2.25 – 2.5%, and teaching assistants’ pay is contractually guaranteed to be “no less than” pay for adjunct faculty.

What are union dues and how are they calculated?

At NYU, the UAW charges its members 2% of total compensation during the semesters in which a graduate student is employed in a union position, and the dues are automatically deducted from every paycheck. According to the UAW, total compensation for purposes of dues includes wages from “union work” (i.e., from serving as a teaching assistant and/or research assistant) and the NYU funding package. In addition to dues, the UAW charges each member an initiation fee of approximately \$50 (depending on pay grade). This is charged by the union to all current and future students. For more on NYU, see <http://makingabetternyu.org/gsocuaw/for-grad-workers/>.

How much will AFT/AAUP charge for dues?

AFT/AAUP have not publicly said how much they will charge in dues, except to say “Among AFT affiliates, the average dues rate is about 2% of income.”

Could dues be higher because there are two unions, AFT and AAUP, seeking to represent graduate students?

Yes. It is possible that graduate students in the proposed bargaining unit would have to pay dues to both AFT and AAUP, and that this could result in higher overall dues than just one union would impose. It is also possible that AFT and AAUP could agree to share dues in such a way that graduate students won't have to pay more than they would pay if there were just one union.

Could graduate research assistants in the sciences have their hours capped?

We do not know. To date, graduate research assistants in the sciences have not been included in any bargaining unit at a private university. However, AFT and AAUP have sought to include research assistants in Physical Sciences and Biological Sciences in their bargaining unit. Since working hours are a “mandatory subject of bargaining” (i.e., an item over which the employer and a union must negotiate), caps on the number of hours graduate students in the sciences could work each week would be subject to negotiation with the union. Research assistants in the sciences have been included in graduate student bargaining units at public institutions and some of those collective bargaining agreements include maximum hour limitations for work performed by research assistants in their capacity as workers and some do not.

If there were a union, could graduate students sit on departmental or school committees?

We don't know. We do know that a union would be the exclusive voice to the University for all students it represents on pay, work hours, and other employment matters related to teaching and research assistantships. This means that other avenues of communication between graduate student teachers/research assistants and the University such as departmental/school leadership committees might be restricted or limited.

How could a union impact the grievance process?

A union would likely negotiate a contractual grievance process, but there is no guarantee that it would be different than or an improvement over existing procedures. With or without a union, we need to continue to work to foster an environment where there is open dialogue and transparency and where all students feel comfortable using the grievance process when it is needed. It is not only having a grievance process that matters – it is creating and sustaining a culture where grievances can be openly aired and resolved in a manner that is consistent with our academic values and principles.

Can a union bargain over student fees?

It is not clear that student fees are a matter over which a union may require the University to bargain since these fees are charged to all students – graduate and undergraduate – regardless of whether they serve as research or teaching assistants. However, even if a union is able to bargain over the amount charged for student fees, it could not bargain over how those student fees are allocated.

Currently, UChicago graduate student fees are allocated as follows: 10% to the graduate divisions/schools, 10% to Student Government (including Graduate Council), 3% to incident, crisis and emergency response systems (e.g., the Dean-on-Call programs), and 77% to health and wellness. The health and wellness portion includes the Student Health Service (SHS) and the Student Counseling Service (SCS), of which graduate students and their families are significant users. For students who have paid their fees, seeing a provider in SHS and SCS does not incur any out-of-pocket expenses: the service standard is to offer an appointment time within two (SHS) to five (SCS) business days. U-SHIP insurance covers services that are outside the scope of what is provided through SHS and SCS, and premiums are paid by the University for the majority of PhD students.

What impact could a union have on off-site research activities (e.g. conference/workshop attendance, field work, or research conducted at other universities) that are essential activities for our academic program?

We don't know. If such activities are characterized as part of your work as an RA or TA, funding for conferences, travel and other work could be subject to negotiation with the union.

If I am a graduate student but not included in the proposed bargaining unit, how will a union impact my graduate student experience?

We don't know what impact unionization of one group of graduate students will have on the experiences of a non-unionized group of graduate students. However, with regard to teaching and research assistantships, the unionized group of students would be represented by an outside organization (a labor union) for purposes of negotiating a unified set of terms and conditions of employment, and the non-unionized group of students would be able to directly and individually engage their faculty "supervisors" regarding working conditions.

Many state Universities have unions. Wouldn't it just be the same here?

Not necessarily. There are two reasons why comparisons to state universities are difficult. First, many states have written into their labor laws provisions that protect academic decisions from the collective bargaining process. Thus, there are protections in the applicable law that prevent unions from interfering in academic matters at public universities. Federal labor law has not been tailored to address the needs of higher education, and so these protections are not currently included in federal law. As a result, there is more leeway for unions to attempt to be involved in academic matters (e.g., TA and RA assignments) at private universities. This doesn't mean that unions will be involved in these matters at private universities; it simply means that they may ask to do so.

Second, graduate students fill different roles at private universities than they do at public universities. At public universities, the teaching opportunities and remuneration for doctoral students are often tied directly to the cost of providing education to undergraduates. At private universities such as UChicago, support for graduate students is not tied to how much it costs to teach undergraduates. Rather, teaching is viewed as a primary part of the educational experience, and not as an economic necessity for the University. Here, we have put policies in place designed to ensure that graduate students devote a majority of their efforts to their academic progress as students rather than serving in TA or RA positions.

At institutions where graduate students are unionized, what have been the positive statements and complaints expressed about the existing union?

It is difficult to speculate about the pros and cons of a graduate student union at UChicago based on the experience in public institutions. However, there is one example with several years of experience with a graduate student union at a private university: NYU 2001 – 2005.

In the early 2000s, during a brief period when graduate students at private universities were permitted to unionize under federal law, NYU's graduate student teachers and internally-funded research assistants voted to be represented by the United Auto Workers (UAW). During the term of the labor contract, the law changed, and thus NYU had the opportunity to decide whether or not to withdraw recognition of the union. As part of the decision-making process, NYU sought the input of several faculty committees, some of which included graduate students.

One committee report acknowledged that, as part of the fundamental commitment to attracting top graduate students and to ensure their success, there were "compelling reasons for preserving and indeed improving the conditions in the current union contract that deal with stipend levels, healthcare coverage, sick leave, posting of positions, workloads, and grievance procedures." The committee also noted that "the process of negotiating a union contract facilitated progress on a number of these matters." However, the committee went on to observe that "a traditional employee/employer relationship should not be at the core of students' relationship with the university; educational and intellectual matters are. Graduate students make vital contributions to the university in their roles as teaching assistants, graduate assistants,

and research assistants, but graduate students should be regarded, first and foremost, as students, apprentice researchers, and trainees of their faculty mentors rather than employees. Similarly, assistantships should be regarded, first and foremost, as part of their professional training.”

The committee expressed its concern that the UAW “has filed grievances over issues that have threatened to impede academic decision-making over such issues as: the staffing of the undergraduate curriculum and the appropriate measures of academic progress of students; the optimal design of support packages for graduate students; and the conditions and terms of fellowships (as opposed to graduate assistantships).” In all, the UAW filed more than thirty grievances, many of which involved an attempt to assert union “jurisdiction” over certain academic programs and activities – including the selection of graduate student teachers. The committee concluded that “it is too risky to the future academic progress of NYU for it to have graduate assistants represented by a union.” NYU’s administration ultimately accepted the committees’ recommendation that the university withdraw union recognition.

How can students learn more about varying views on unionization?

The AFT/AAUP (Graduate Students United) has a website which promotes the arguments for unionization: <https://uchicagogsu.org/>

A separate student group which has expressed doubts about unionization has also created a website called *Stop and Think UC*: <https://stopandthinkuc.com/>

What are the alternatives to unionizing?

Graduate voices matter at the University of Chicago. Within the divisions and schools, students provide input and shape decisions through departmental mechanisms, divisional mechanisms (e.g., Dean’s Student Advisory Committees), and across the university through Grad Council and a wide range of office or topic-specific committees and advisory boards. For instance, the decision to create annual child care grants up to \$2,000 for PhD student parents came about through direct discussions between students and the Provost Office. Furthermore, increases to graduate student teaching remuneration and investment in the Chicago Center for Teaching came as a direct result of recommendations from several Provost teaching committees that included students and faculty. By improving and expanding on mechanisms and opportunities for input, graduate students can continue directly shaping the policies and programs of the future.

These questions and answers reflect multiple sources of information, including responses that university personnel drafted and compiled, information from government websites, and material collected by the University and peer institutions over a period of years. All information has been reviewed by the University’s Office of Legal Counsel.