

Columbia Grad Students Lose Union Battle, May Win War

News

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Joe Ambash was quoted in *Corporate Counsel* on November 2, 2015. The article “Columbia Grad Students Lose Union Battle, May Win War” discussed how groups of private university graduate students have been working toward unionizing for awhile now (public universities are controlled by state law, so their unionization drives depend on the state, not the NLRA), but the NLRB’s perspective on the central student vs. employee question has gone back and forth. In 2000, the board ruled that students qualified as employees and could unionize. But this decision was reversed in 2004 when the board rebuffed a group of Brown University students who wanted to organize.

As of now, said Joe, the *Brown* ruling still stands. “It went from they were employees, to they are not employees and now there has been an intense interest on the part of the unions, and apparently on the part of the NLRB itself to revisit and overturn the Brown decision,” said Joe, who represented Brown University in the matter.

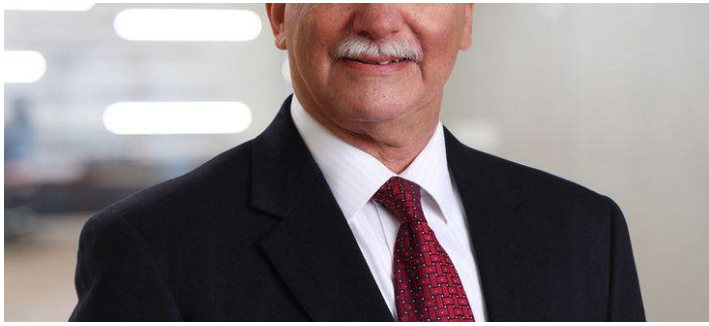
There would also be a potential risk, according to Joe, to academic freedom enjoyed by private universities, as those on the other side of the bargaining table would have the right under the NLRA to make any requests they wanted related to terms and conditions of employment. In the academic context, this could result in a new influence from the teaching assistants over how courses are taught and tests are given, among many other issues. “The result would be almost an inextricable weaving together of both academic concerns and so-called work concerns,” he explained. “And that would I think be very, very disruptive for the universities that have the obligation to set their own academic policies and standards.”

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