



## Stakes Are High in Graduate Assistant Organizing, Stakeholders on Both Sides Say

News

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The article, “Stakes Are High in Graduate Assistant Organizing, Stakeholders on Both Sides Say,” featured in *Bloomberg BNA*, discussed how a lot is riding on the outcome of pending union representations cases involving graduate research and teaching assistants at Columbia University and the New School, with stakes holders on both sides of the issue predicting a flood of future organizing if the National Labor Relations Board decides that the assistants are employees under federal labor law.

Joe Ambash provided his take on the situation.

Joe told *Bloomberg BNA* Feb. 16 that he is representing a number of “pre-eminent” private universities and will file an amicus brief on their behalf in the Columbia case, but he declined to name them. Joes also represented the university in the 2004 *Brown* case. Although it’s true that many public sector universities have units of organized graduate assistants, the state labor laws that governs those unites are different from the NLRA, Joe said. For example, he said, they may specify what issues can and cannot be the subjects of bargaining.

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“How is a private sector university supposed to figure out what has to be bargained [for graduate assistants] when there’s absolutely no precedent for this?” he asked. “The status of graduate assistants in a private sector research university is typically different than at a public sector university.”

For one thing, “the relationship of graduate assistants and [private] universities is not an economic one,” he said. “Universities are giving them an educational opportunity and supporting it with financial aid,” he added, but it’s not primarily an employment relationship.

Although a graduate student might have teaching responsibilities, the student in that setting is learning how to teach, Joe said. Teaching and research “are part of the bundle to be trained as a doctoral candidate,” he said. “You can’t just excise one portion of it and say, well, that’s ‘work.’ ”

If universities were to treat graduate assistants as employees, rather than solely as students, it would impede the academic freedom of those institutions, he said. That also was an argument put forth in an amicus brief filed in the New School case by the American Council on Education, the Association of American Universities and a number of other groups representing U.S. institutions of higher learning.

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