



Joseph Ambash Submits Amicus Brief for NLRB Consideration

News

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BOSTON, MA (March 3, 2016) – Boston Regional Managing Partner Joe Ambash filed a brief at the National Labor Relations Board on behalf of the Ivy League universities, Stanford and Massachusetts Institute of Technology in the much-publicized case involving graduate student unionization at Columbia University. At issue, in this case, is whether the NLRB will uphold or reverse its 2004 decision in *Brown University*, which held that graduate assistants in private universities are not “employees” within the meaning of the National Labor Relations Act, and therefore they cannot unionize. Joe represented Brown in the original case.

The brief emphasizes the harmful consequences to private educational institutions that would result from a decision characterizing graduate students “employees.” As the brief states, such a result would “transform the collaborative model of graduate education to one of conflict and tension.”

The brief pointed out the difference between graduate assistant status in public institutions – which typically permit graduate assistant unionization – and private institutions. Laws governing collective bargaining for public employees differ among the states, and many restrict the scope of collective bargaining for educational institutions. By contrast, the NLRA has no such restrictions. As a result, imposing collective bargaining on private institutions will result in frequent grievances, disputes and litigation.

In addition, the brief explained that graduate assistants at the various institutions participating in the brief all perform teaching and research as part of their educational experience, not for the purpose of earning money. In fact, all such graduate assistants receive a generous financial aid package, including living stipends, waiver of tuition and waiver of health insurance fees throughout the first several years of their doctoral program. Bargaining over stipends for those semesters in which graduate students perform research or teaching would require the schools to bargain over financial aid, a subject far removed from collective bargaining. Similarly, bargaining over issues such as course requirements, the selection of individuals to serve as teaching assistants and similar academic matters would intrude into the universities’ academic freedom and decision-making.

The NLRB is expected to consider the case later this year.

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