Comment on the Proposed Rule by the National Labor Relations Board: Nonemployee Status of University and College Students Working in Connection with their Studies

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Dear Roxanne Rothschild,

We are writing to request the National Labor Relations Board (NLRB) to continue to recognize graduate students as both employees and students and respect their rights as an entity entitled to collective bargaining agreements. The reasons are as follows:

**Teaching and Research Contributions:** Graduate students are the backbone of any research institution. They are a cheap, highly-skilled labor force that brings myriad benefits to the university through their contributions. These student-workers are responsible for most of the research undertaken, driving the mundane, highly repetitive day-to-day research that enables professors to compete for grants and secure money for the university. Many graduate students are also actively engaged in grant writing and bring in additional funds to the university. Additionally, they act as an educational chaperone between undergraduates and professors. Large class sizes at universities inhibit individual interaction between the undergraduates and their instructors; however, by employing low-paid experts-in-training in the form of graduate “students,” universities are able to offer smaller class sizes, which is particularly beneficial to laboratory classes. The ability to offer smaller class sizes is invaluable to the university, as this is one of the most sought-after attributes in terms of college selection. From a business perspective, it makes sense to “employ” graduate “students,” as they bring more value to the university by increasing their attractiveness to the customers – the undergraduate students and their parents. There is little evidence that these contributions are solely educational, as the university benefits financially.

It is common for graduate students to be employed as teaching assistants (TAs); in 2018, more than 130,000 graduate students held TA positions.¹ In some programs, all graduate students are required to hold TA positions for at least one semester. The duties associated with a Teaching Assistantship vary greatly between universities, departments, and supervising Instructors of Record. At the most extreme, a TA may be responsible for all aspects of instructing a course, including developing course materials, holding office hours, evaluating students’ understanding through development of appropriately challenging assignments/quizzes/exams, and grading. Although contracts state an expectation for hours worked (often 20/week), actual hours can diverge wildly from these expectations. Recognition as employees provides graduate teaching assistantships recourse when workload expectations do not match reality.

Teaching assistantships cannot be argued to be a necessary component of preparing the majority of PhD students for their future careers. TAs often teach courses outside their area of research, for which they are expected to study and understand scientific concepts that will not directly translate to research in their field. Nor is training in teaching skills relevant to the careers
of most graduate students; only 43% of biomedical PhD graduates are expected to remain in academia.\textsuperscript{2} In part, the departure from teaching careers mirrors graduate students' career interests; only 55% of graduate students are interested in an academic career towards the end of their education.\textsuperscript{3} In fact, research shows there is nowhere near enough jobs for all graduate students to go into academia, and yet, universities continue to solicit higher enrollment of these low-paid workers.\textsuperscript{4} The irrelevance of assistantships to graduate educational outcomes suggests that the relationship between graduate teaching assistants and the university is primarily economic; however, the potential benefit to recognizing graduate workers as employees goes deeper than financial concerns. The clear codification of graduate student roles and expectations (such as through unionization or recognition as workers) improves the mentoring and educational experience, a fact acknowledged in surveys of faculty and students.\textsuperscript{5,6} Furthermore, the establishment of boundaries for work performed exposes students to the professional standards that will be valuable for career transitions both inside and outside of academia.

**Work-Life Imbalance and Outcomes on Mental Health:** The wages of graduate students are barely enough to eek out a living in most areas, particularly “university towns,” whose entire economy is based around the university. The cost of living is increasing much more quickly than the financial compensation, forcing many graduate students to commute from the surrounding areas where the cost of living is more manageable or pay a premium for closer proximity. Due to the graduate student “experience” necessitating hours beyond that of a full-time work week, it is difficult or impossible for some to maintain a second job for additional income. Over-inflated housing costs increase students’ dependence on unsubsidized student loans, offered at high interest that accumulates throughout the duration of the graduate school experience, as these overworked student/employees are forced to spend upwards of 50% of their income on cost of living expenses, compared to a national average of 30%. It is clear this setup is of benefit to Big Banks, and not the education of tomorrow’s skilled workforce, whose backs are breaking under the immense burden of student loan debt most will carry around for the rest of their lives.

All this leads to the graduate student profession as a whole being extremely mentally taxing on its participants, despite their desire to contribute to the benefit of society and the Greater Good by developing new technologies we desperately need to solve our world’s plethora of problems. In fact, studies published in Nature show that 30-40% of graduate students develop mental health issues due to the highly demanding nature of this profession.\textsuperscript{7,8} Decent healthcare at affordable prices will be essential in combating this issue.

**Right to Affordable Healthcare:** Graduate students deserve the right to collective bargaining when it comes to health coverage, as they are a particularly vulnerable population due to the low wages they are paid to perform a job that, by design, necessitates far beyond a 40 hour work week with no overtime benefits. It is a common misconception that graduate students are all fresh-faced youths straight from undergraduate coursework. A large population of graduate students are people who have gone out into the world and worked enough that they have identified a problem they want to solve, and so they return to a university to provide the resources and wherewithal to develop strategies to solve those problems. Even as far back as the 1980s,
more than half of all graduate students were over 30, and this trend has remained consistent since then. The number of non-traditional students has only gone up over time, and many bring with them a spouse and/or family to support. They therefore require support such as affordable healthcare, and this ruling would likely promote their mass exodus out of academia, as they are forced to choose between education or providing for their family. The traditional students would likely follow along as the benefits dry up and the costs are passed to them.

**Undergraduate Student Employees Deserve Rights Too:** Graduate workers are not the only students who could be hurt by the proposed rule change. Undergraduate workers deserve equal workplace protections against exploitative pay rates and unsafe working conditions, even when employed by their universities. Graduate students and undergraduate students alike may rely on financial compensation from the university for their work as well as healthcare. Thus, both deserve recognition as students and employees.

**Double Standards:** Universities have blurred the lines between student and employee when it comes to their student athletes, in fact, some states are moving to recognize the economic reality of the student athlete/university relationship by introducing legislation to allow student athletes to receive compensation for their likenesses and their play. The performance of student athletes provides financial benefit to the university through ticket and merchandise sales in much the same way the work of undergraduate and graduate students provides financial benefit to the university in the form of grants, intellectual property, and low-cost teaching assistance.

**Long-Term Effects:** The potential impacts this decision could have on graduate student enrollment and universities as outlined above will likely ripple out, which could tarnish the United States' competitiveness as a global leader. A decline in economic outcomes for its citizens is apparent, due to the systemic effects that will result from devaluing the higher education of Americans and making it even more difficult for The Problem Solvers of Tomorrow to get a fair chance.

**Universities Serve the Public:** Richard Vedder, an economic historian with a concentration in higher education, writes “About 30% of American college students attend so-called private colleges and universities, most of which are non-profit institutions. However, with very few exceptions, all of them are heavily dependent directly or indirectly on governments for support.” Thus, the institutions affected by this ruling are primarily both funded by and beneficiaries to the public. These universities are epicenters for research and innovation. Innovations for which the United States has partnered with and depended on for improved public and environmental health, increased military dominance, and private sector gains. Acting as hubs of inventiveness and cultural activities—where concerts, plays, public lectures, and political debates occur—these institutions are vital to the economic development and creative economy for the communities they serve.

**Conclusion:** Overall, changing the status of graduate students from employee to merely student, serves no clear purpose other than increasing the divide between the wealthy and the poor. Whatever happened to equity? By removing the rights of graduate students to collective bargaining, the NLRB is leaving them vulnerable to the whims of the university, and this will
surely lead to a decrease in prospective graduate students who simply cannot afford the luxury of a higher education. Given the state of the economy, it is unlikely that all these people could be readily incorporated into the workforce either. Further, the potential systemic effects of this ruling threaten this intricate balance by discrediting the important role of graduate students in the operation of universities; interfering with the educational, economic, and intellectual workflow; and consequently, causing a long-term degradation of social, military, and economic well-being within the United States.