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July 25, 2012

Lester A. Heltzer
Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0071

Re: New York University and GSOC/UAW (Case 02-RC-023481), and
Polytechnic Institute of New York University and UAW (Case 29-RC-012054)

**Certificate of Service**

A copy of the attached amicus brief has been mailed to the following parties:

Mr. Thomas W. Meiklejohn
557 Prospect Ave.
Hartford, CT 06105

Mr. Edward A. Brill
Proskauer Rose
1585 Broadway
New York, NY 10036-8299

Ms. Karen Fernbach
NLRB Region #2
26 Federal Plaza
Room 3614
New York, NY 10278

Sincerely,

Paula B Voos

Dr. Paula B. Voos, Professor

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July 23, 2012

Lester A. Heltzer
Executive Secretary
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National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0071

Re: New York University and GSOC/UAW (Case 02-RC-023481), and
Polytechnic Institute of New York University and UAW (Case 29-RC-012054)

Dear Mr. Heltzer,

We are requesting to submit this amicus brief letter pursuant to the National Labor Relations Board's June 22, 2012 invitation to file amicus briefs in the above-captioned cases.

My name is Adrienne Eaton and I am Professor of Labor Studies and Employment Relations at Rutgers University. I earned my Ph.D. in Industrial Relations from the University of Wisconsin in 1988. Along with Professor Paula Voos, also of the same department at Rutgers University ( Ph.D., Economics, Harvard University, 1981) and Sean Rogers, a PhD student here in the School of Management and Labor Relations, I have conducted empirical research on the consequences of union representation of graduate student employees in public universities. We would argue that this evidence should inform your decisions about the same matter in private universities since the two are very similar with regard to doctoral student training and graduate student employment.

Our research is relevant to the above-cited cases. Our results bring into question assertions made by the majority in the Brown decision concerning the impact of union representation on the faculty-student relationship and academic freedom, and therefore support the modification or overrule of Brown.

We conducted statistical analysis of survey data collected from represented, and non-represented graduate student employees (GSEs) at 4 matched pairs of large public research universities, in 4 different regions of the U.S., for a total of 8 universities and 516 respondents who were all employees. We were careful to survey students in a representative set of departments. Some of the results of this research are currently under a "revise and resubmit" letter from the peer reviewed publication, Industrial and Labor Relations Review; we anticipate that after making the revisions in presentation suggested by the editor, that our paper will be accepted later this summer at which time we'd like to submit the paper itself to you. The following results seem most relevant to the bases of the Brown decision and the issues raised by the above two cases:

• The assertion was made by the majority in the Brown decision that extending collective bargaining rights to graduate student employees would threaten the quality of student-teacher relationships. We found no support for this assertion in a sample that was statistically large enough to find such a relationship if in fact it existed. Instead, union representation was a statistically significant positive predictor of both the Graduate Student Employee's perceived level of personal support and the perceived level of professional support from the faculty.

• As part of our study we reviewed prior scholarly studies. No support for the assertion that union representation threatens the quality of student-teacher relationships can be found there either.

• Graduate students themselves view union representation as enhancing their own academic freedom. This is not surprising because from the employee point of view, academic freedom involves the right to intellectually pursue unpopular ideas, and to be protected from adverse employment consequences from doing so.

• It is sometimes asserted that union representation threatens academic freedom in a different sense: the freedom of the University from undue influence from outside organizations over matters like schedule, curriculum, or other aspects of education. The majority in Brown asserted that the NLRB itself might become entangled in these decisions as a result of an unfair labor practice. We reviewed scholarly studies that indicated this is highly unlikely based on the experience in public universities where there is GSE representation. These things are simply not bargained over. And we argue that since Graduate Students themselves have a significant stake in the quality of their education, their representatives are unlikely to voice demands that would diminish educational quality.

• Union representation of graduate students increases their compensation, but the magnitude of the effect is relatively modest. However, there is a statistically significant impact on the satisfaction of graduate student employees with their compensation. Union representation enhances graduate student employee perceptions of both pay adequacy and pay fairness. Pay adequacy was, in turn, associated with reduced additional paid employment outside the university which, we can logically assume, is likely to interfere with degree completion.

We asked our respondents additional questions about the relationship between their paid graduate assistantship and their educational development that are not discussed in our paper but which are relevant to the question of employee status. Graduate student employees typically found it possible to distinguish between their roles as student and their roles as an employee, although they also recognized that the employment at the university gave them valuable experience for future professional positions. For instance, 70% of teaching assistants stated that it was either "very easy" or "easy" when asked "How easy is it to distinguish between the duties performed as part of working on your assistantship and doing your own doctoral study and research." Only 6% reported it was "not easy" or "very difficult" in answer to this same question, with the remainder selecting a neutral category.

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While these research results are derived from data at public sector universities under different labor law regimes than what exists in the private sector, we think the internal dynamics of graduate student employee unionization is likely to be quite similar in these two sectors. We believe these results undermine the logic used by the majority in Brown and help to make the case for overturning that decision.

Sincerely,

Adrienne E. Eaton

Adrienne E. Eaton
Professor and Department Chair