

Grad Workers' Union Surge Stalls Under Trump

By **Braden Campbell**

Law360 (August 28, 2025, 8:01 PM EDT) -- Organizing among graduate student workers boomed under President Joe Biden as students at more than two dozen private colleges and universities capitalized on a favorable policy climate. That wave has hit a wall under President Donald Trump, whose arrival has also sapped existing unions' leverage.



Columbia University teaching assistants went on strike in 2018 to protest the school's refusal to negotiate with their newly formed union. Graduate student organizing resulted in NLRB-certified unions at 25 institutions between early 2022 and the end of 2024, but the reelection of Donald Trump put an end to the surge. (AP Photo/Bebeto Matthews)

No graduate student workers have pursued elections through the National Labor Relations Board under Trump amid concerns that future Republican leadership could reverse the precedent permitting them to unionize. And student teaching and research assistants at some organized schools say that reticence to go to the labor board has emboldened their institutions to violate their rights and slow contract negotiations.

"It feels a bit like the Wild West again," said Denish Jaswal, a Harvard Graduate Student Union member who is a member of the committee renegotiating the union's contract.

The Biden-era organizing boom at private schools arrived as pent-up demand to form unions met favorable conditions for doing so.

The NLRB, which oversees labor relations for much of the private sector, held in August 2016 that

graduate student teachers and researchers are employees whom the National Labor Relations Act empowers to organize and collectively bargain. The decision, which followed a union petition by student teachers and researchers at Columbia University, marked the third time the board had flipped its position across as many presidential administrations dating back to 2000.

But Trump's first election less than three months later put a stop to new organizing as student workers went without NLRB elections and charges to avoid giving the board's Republican majority a chance to change its policy once again. Student workers at some schools including Harvard managed to push their institutions to the bargaining table without pressure from NLRB prosecutors, but other organizing efforts went dormant.

Organizing erupted on campuses late in 2021 after the arrival of Biden's picks to lead the NLRB **lifted the specter** of an impending end to the Columbia precedent. Between early 2022 and the end of 2024, the NLRB certified votes to unionize by graduate students, teachers and researchers at 25 institutions, according to NLRB data; these units comprised more than 40,000 students combined. This surge ended abruptly with Trump's reelection, which has set Republicans up to retake control of the NLRB once **the president's picks** are confirmed.

"The graduate student unions are not filing at the NLRB, presumably because of genuine concern over what the new NLRB would do with such a case," said William Herbert, the head of the National Center for the Study of Collective Bargaining in Higher Education and the Professions at Hunter College.

Students at some schools have sought to unionize without the NLRB's aid. In February, graduate and undergraduate student teachers and researchers at Clark University in Massachusetts sought an election at the NLRB but pulled their push two weeks later in favor of striking for recognition; the 10-day strike did not sway the school. Otherwise, no graduate students have petitioned the NLRB to hold votes since November.

A strike by graduate students at the University of Rochester demanding a non-NLRB election failed in the spring, but student workers at other schools may continue to attempt this route, Herbert said.

Labor relations at some schools have also soured after the change in presidential administrations.

The Harvard Graduate Student Union has been negotiating a new contract with the school since February. While the sides have met regularly, they're far apart on every provision of the contract that they've opened, said Jaswal, the HGSU negotiator.

"It's still somewhat early in the process, but it hasn't been going very quickly," Jaswal said. "And then outside the bargaining table, things have been going worse."

Following the expiration of the parties' deal last month, the administration notified the union that it no longer considers about 900 members of the bargaining unit — which has between 3,000 to 5,500 members depending on the time of year — to be part of the union. The move may be an attempt to bait HGSU into filing an unfair labor practice charge that could give the NLRB the opportunity to rethink the Columbia ruling, Jaswal said.

"Not only us, but every other graduate union that exists right now is under this risk calculus, and that just takes away more rights that we have, that are supposed to be there to protect us," Jaswal said.

A Harvard representative pointed Law360 to the school's announcement to the union, which asserts that the excluded students are not employees under the NLRA because they receive stipends to pursue research and were "erroneously ... included" in the bargaining unit. The statement may refer to, but does not explicitly invoke, **a July 2024 decision** in which the NLRB recognized an exception to the Columbia precedent for students who "research (or, occasionally, teach) to further their own academic purposes" and receive funding "regardless of whether their activities also benefit the employer."

The school otherwise declined to comment.

The Student Workers of Columbia have been locked in a bitter fight with the school since March, when Columbia expelled president Grant Miner and other students on the eve of successor contract negotiations over their roles in protests against the war in Gaza. The sides have not met since then as the school resists SWOC's demands that Miner participate in the negotiations and that members be able to observe sessions via Zoom. This dispute has sparked an unfair labor practice charge — by the university —

accusing SWOC of failing to bargain in good faith.

The school also slashed cohort sizes in certain departments before the start of bargaining and has since gone outside the bargaining unit to fill teaching appointments it has historically given to graduate students, said Sohum Pal, a member of the SWOC bargaining committee.

Pal said he believes the school is stalling negotiations with an eye toward the NLRB ending graduate student workers' rights to organize. But while the union mulls its legal options, the beginning of the school year and return of students to campus will give it a measure of leverage to push back through pickets and other collective actions, he said.

"Our job is basically to have hope," Pal said. "It's not just hope, but it's also using every tactic at our disposal to bring the university to the table."

A Columbia representative cast the union as the stubborn party in a statement to Law360, saying SWOC "has shown little interest in bargaining" despite the school's "many concrete steps to bring the union to the bargaining table."

"The university's goal remains to negotiate a fair, competitive, and sustainable agreement with our student employees that will benefit them and the entire Columbia community," the spokesperson said. The spokesperson added that the university has "released some graduate students from teaching obligations for the fall" without docking their funding or benefits.

The graduate unions' fears of going to the NLRB may give "some comfort" to universities by easing concerns of being hit with a bad faith bargaining charge or other allegation, said Nicholas DiGiovanni, a partner at Morgan Brown & Joy LLP who advises schools on labor relations. But even when unions perceive the NLRB to be an ally, it doesn't necessarily smooth negotiations because the board's case handling process is slow and "whatever the conflicts are at the bargaining table continue," he said.

DiGiovanni added that he has found negotiating successor contracts with unions of graduate students to be uniquely challenging because these units tend to turn over.

"Every time there's a new round of bargaining with graduate student workers, you have a different union bargaining team," DiGiovanni said. "This sets up a different dynamic at the bargaining table because every successor contract feels like a first contract."

Not every graduate student union has a testy relationship with its school. Graduate students at George Washington University voted overwhelmingly to organize with the Service Employees International Union in November in one of the final elections before organizers stopped petitioning the NLRB.

George Washington University Graduate Workers United, which calls itself GWU2, began negotiations with the school for its first contract in May. Since then, the parties have exchanged several proposals and reached agreement on a few, including on a structure for a joint labor-management committee and ground rules that permit members to observe negotiations via Zoom.

These articles are relatively straightforward compared to some issues the union has broached or intends to, such as health insurance and an expansive anti-discrimination proposal. But the cooperation so far has been encouraging, bargaining committee member Matthew Rohn said.

"The university has seemed to be willing to work with us," Rohn said. "Of course, there is back and forth, and it's a little bit of a slog for them as well as for us. I think the most important part is we've seen movement."

While the unions have so far foregone the NLRB to avoid providing a vehicle to reverse Columbia, that discretion may not preserve their rights.

In July, a Cornell University Ph.D. candidate represented by the National Right to Work Committee — an impact litigation group that helps workers avoid paying union dues — filed a charge asserting that Cornell Graduate Students United may not force student workers to pay dues **because they aren't employees**.

The NLRB currently lacks the quorum it needs to decide cases, and even if Trump's two Republican nominees so far are confirmed, it would not have the three-member majority it has traditionally required to reverse precedents. But if NLRB prosecutors take up the case now, it may not reach the board for more

than a year given the slow pace of the agency's legal process.

"It would be nice if we had a board that could decide these issues favorably to graduate students who don't want to be a part of this situation," NRTW staff attorney Glenn Taubman said.

A functional, Republican-led NLRB could also seek to undo the Columbia decision through regulation, as it sought to do during the first Trump administration. The board, which still had a Republican majority at the time, **withdrew the nearly complete rule** early in the Biden administration.

The reversal of the Columbia precedent would allow schools to cease recognizing unions and could permit them to stop honoring their contracts as well, DiGiovanni said. Even so, it's likely most administrations would continue adhering to their deals through expiration to avoid contract claims and campus backlash, he added.

If the NLRB steps back, states may step in: In July, Rhode Island Gov. Dan McKee signed a first-of-its-kind law guaranteeing graduate student workers at private colleges and universities the right to unionize.

But for now, with their status as employees precarious but still on the books, graduate student unions intend to flex their rights.

"The union is a much better representative ... of the university community and its needs and wants," said Pal, of Student Workers of Columbia. "I think that we can still bring the university to the table."

--Editing by Bruce Goldman and Amy Rowe.

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