



Forever Young: Student Employee Unionization in Higher Education

By William A. Herbert

College and graduate school provide students with many opportunities: to study, research, engage in new ideas, transform, and develop functional skills for a fruitful life. Among the essential skills students need are critical thinking, curiosity, creativity, and effective practices in free expression.

Important elements of student life today are the high cost of higher education, food, housing and child care. Student work on campus includes teaching and research

and non-academic jobs in dormitories, libraries, dining, administrative offices, and outsourced dining services on campus. Off campus, students find work as baristas, in retail and similar positions.

The nature of student work has changed over the decades. Student jobs today provide a richer second curriculum with valuable lessons about work, discipline, life, shared responsibilities, and insights into the economy. Those work experiences and the need for increased

compensation, benefits and job security have resulted in a massive growth in graduate student employee and undergraduate student employee unionization. Today, there are approximately 200,000 union-represented graduate and undergraduate student employees (see Figures 1 and 2).

This unionization trend is consistent with a 2024 Gallup poll finding that 77% of those aged 18-34 approve of labor unions.¹ Working conditions are the primary focus in student organizing and negotiations, which can be influenced by social movements.² Unionization has resulted in contracts with provisions covering job security, compensation, benefits, leaves, grievance-arbitration and stronger protections against sexual harassment and discrimination.³

Contrary to attacks on higher education for purported “wokeness,” issues concerning labor relations are not topics in most classroom curricula except in specialized programs like CUNY’s School of Labor and Urban Studies and Cornell University’s School of Industrial and Labor Relations. It is far more common for students to learn about collective bargaining on their own, rather than in the classroom. The practice of unionization provides first-hand education in workplace representational democracy and citizenship, including maintaining a majority coalition and making hard necessary compromises.

Federal and state laws can set the framework for student employee unionization and bargaining or create legal barriers. For example, Florida excludes part-time undergraduates from the right to unionize at public institutions.⁴ Colleges and universities have the choice to challenge or delay student employee organizing and bargaining or work to create a constructive environment for student labor relations through negotiated voluntary recognition procedures.

A Short History of Student Employee Unionization Prior to 2020

While student employee unionization and labor activism have grown exponentially since the end of the COVID-19 pandemic, it is not a new phenomenon. The earliest known student unionization effort was in January 1914 when dining workers formed the Wisconsin Student Workers Union and called a strike that resulted in a lock-out (see Image 1). A century later, in 2016, undergraduate student protests at Long Island University led to the end of the university’s lockout of its faculty.⁵

Formal unionization efforts by student employees did not begin until the enactment of state public sector collective bargaining laws including New York’s Taylor Law,⁶ and the 1970 decision by the National Labor Relations Board to start asserting jurisdiction over higher education.⁷

Undergraduate Student Employee Unionization Prior to 2019

The first union-represented undergraduate student employee bargaining unit was certified in 1970 at the University of Oregon.⁸ Negotiations led to a first contract in July 1971 and successor agreements were reached with standard collective bargaining provisions concerning wages, hours, scheduling, discipline, and grievance-arbitration procedures.⁹

Over the next few years, undergraduate student employees voted down union representation at Ohio University¹⁰ and Michigan State University,¹¹ and the New York City Office of Collective Bargaining dismissed an undergraduate student employee representation petition at CUNY.¹² In the private sector, the National Labor Relations Board’s precedent finding that student employees were not protected under the National Labor Relations Act,¹³ because they were primarily students¹⁴ stymied undergraduate student employee unionization on private campuses for decades.

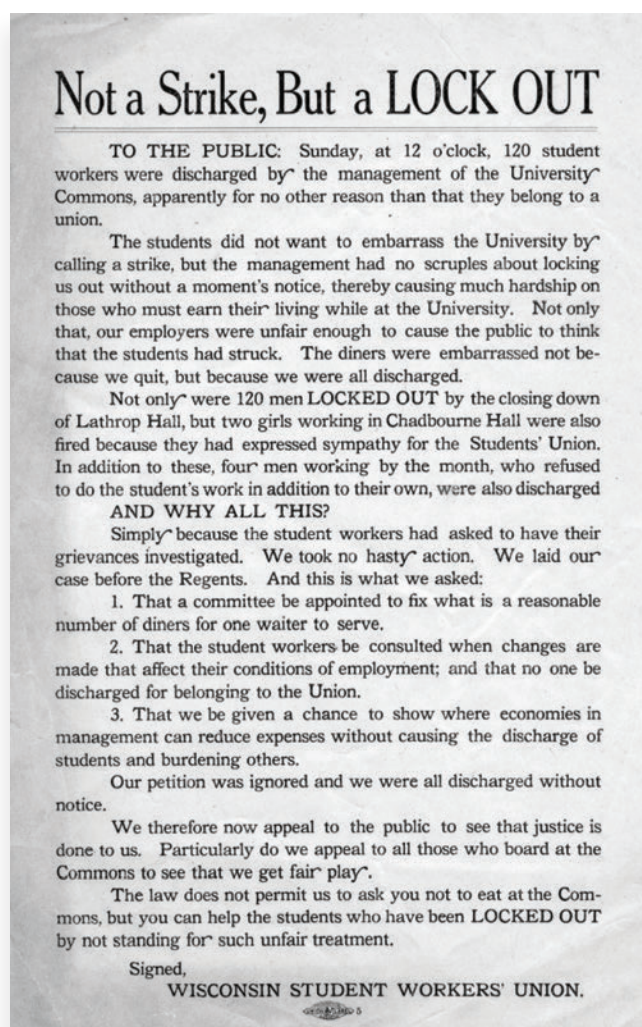


Image 1.

The oldest existing undergraduate student employee bargaining unit is at the University of Massachusetts-Amherst.¹⁵ In 2002, United Auto Workers became the representative of resident advisors at the university. The bargaining unit was expanded later to include peer mentors.¹⁶ The current contract for the 500 student employees is 33 pages long with provisions covering a wide range of traditional bargaining subjects.¹⁷ Prior to the pandemic, the NLRB had certified only one undergraduate bargaining unit, that of dining employees at Grinnell College in Iowa.¹⁸ Pre-pandemic organizing efforts by resident advisors at George Washington University and Reed College and intercollegiate scholarship football athletes at Northwestern University¹⁹ were unsuccessful.

Graduate Student Employee Unionization Prior to 2019

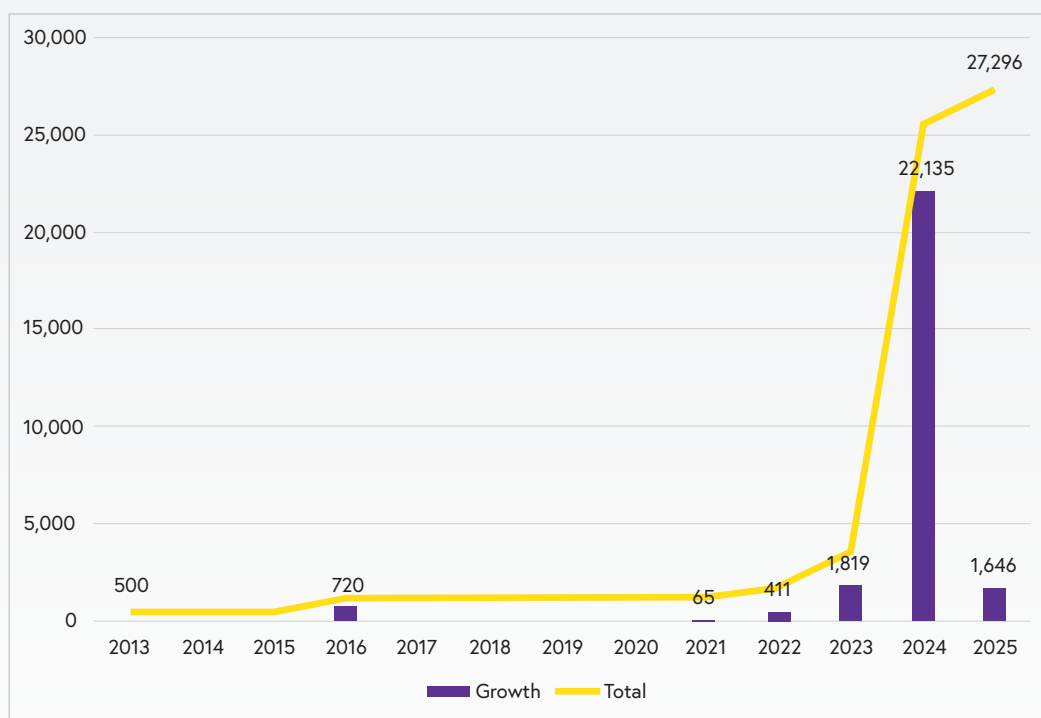
In 1969, graduate student employee union representation began at CUNY²⁰ and the University of Wisconsin-Madison.²¹ Thereafter, graduate student employee unionization grew at a steady rate at public universities based on decisions finding they had collective bargaining rights.²² One example of this precedent is the 1991 Public Employment Relations Board decision under the Taylor Law concerning a petition at SUNY.²³

By January 2013, there were 62,656 graduate student employees represented in bargaining units at 28 public

universities in a dozen states including New York and New Jersey, along with those working at the SUNY and CUNY research foundations²⁴ (Figure 2). The absence of graduate student employee unions at private universities before January 2013 was due, in large part, to the NLRB precedent finding them to be primarily students without rights under the National Labor Relations Act.²⁵ This precedent dated back to the 1972 decision in *Adelphi University*,²⁶ which had been largely followed,²⁷ until the NLRB's 2016 *Trustees of Columbia University* decision.²⁸ In that decision, the agency ruled that both graduate and undergraduate student employees are covered under the National Labor Relations Act because they satisfy the common law test of employee, the legal standard previously upheld by the United States Supreme Court.²⁹

A 2020 study demonstrated that the *Trustees of Columbia University* decision set off a wave of successful unionization efforts at private universities prior to the pandemic.³⁰ Between 2013 and 2019, graduate student employee representation grew by 31%, with the largest growth at private universities. By Jan. 1, 2020, there were 16 new bargaining units: five at public universities and 11 at private universities including Columbia, The New School, and New York University, all of which are combined units of graduate and undergraduate employees. By the beginning of 2020, the number of union-represented graduate student employees grew to

Figure 1. Undergraduate Student Employee Representation Growth, 2013-2025.



Source: Data taken from William A. Herbert, Apkarian, and Joseph van der Naald. 2024 Directory of Bargaining Agents and Contracts in Institutions of Higher Education and William A. Herbert, Joseph van der Naald, and Jacob Apkarian. Every Grain of Sand: 2024 Changes to the Scope of Higher Education Unionization." Journal of Collective Bargaining in the Academy 16, no. 1 (2025) and National Center database for new bargaining units in 2025.

83,050. (Figure 2.) The resultant collective bargaining agreements have increased compensation and benefits,³¹ provided increased protections against discrimination and sexual harassment,³² and made their terms and conditions of employment enforceable through grievance-arbitration procedures.

In 2019 and 2020, there was a major drop-off in new student unionization caused by two factors: the pandemic and the strategic decision by unions to withdraw pending petitions to avoid the likely overturning of the *Columbia University* decision by a Trump-selected NLRB majority.³³

The Post-Pandemic Surge in Student Employee Unionization

Following the pandemic and 2020 presidential election results, the rate of student employee unionization expanded exponentially.

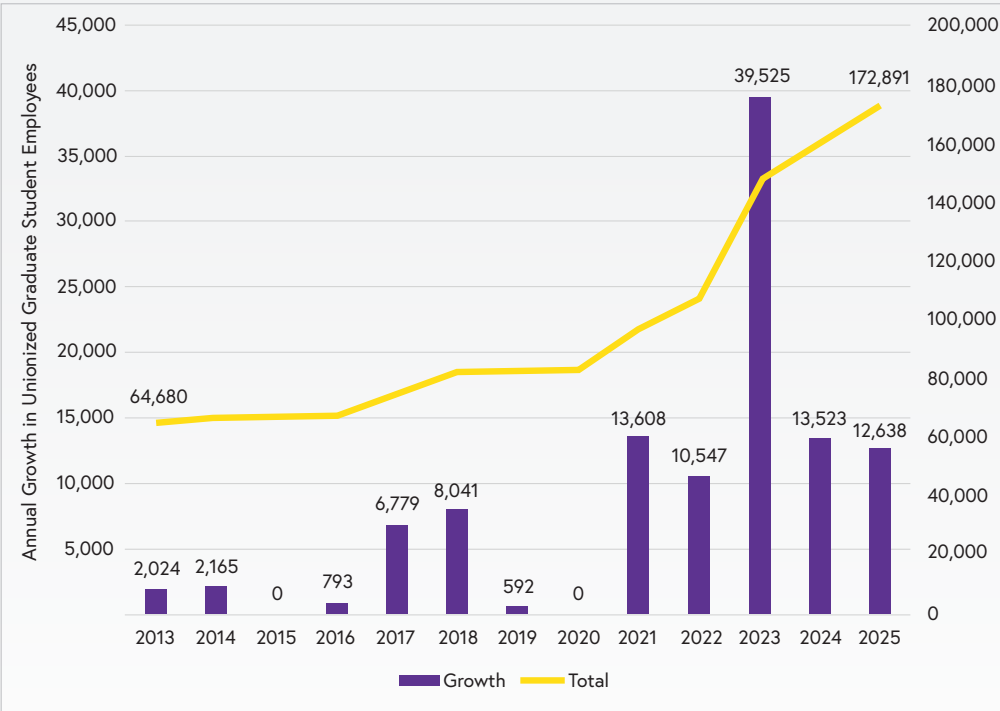
In 2022, four new undergraduate bargaining units were established, including one at Barnard College, along with the campus-wide expansion of the Grinnell bargaining unit. The next year, a dozen new undergraduate bargaining units were certified across the country, including at Columbia, Fordham, Rensselaer Polytechnic Institute, and Skidmore.³⁴

The most significant increase in undergraduate employee representation occurred in 2024. In that year, there were another dozen units formed representing more than 22,000 employees. Over 90% of that total, however, was in a single new unit at California State University. An additional seven pending representation cases were withdrawn following the 2024 presidential election including at NYU, The New School, Clark University and petition for the Dartmouth men’s basketball team.³⁵ Those withdrawals were likely due to expected changes under a second Trump administration.

Last year saw continued but slower growth in undergraduate student employee representation with new bargaining units at Macalester College, Temple University, and Beloit College. By the end of 2025, there were over 27,000 undergraduate employees represented in higher education (Figure 1).

In 2021, 2022 and 2023, the number of union-represented graduate student employees grew nationwide by 63,680 with 62% (39,535) in 2023 alone.³⁶ In that year, there were 23 newly certified or recognized graduate student employee units on campus including at Cornell, Fordham, Syracuse and the SUNY Research Foundation. In 2024, representation continued to grow with 16 new bargaining units representing 13,523 graduate student employees, including at Alfred University, the Icahn School of Medicine at Mount Sinai, the University of

Figure 2. Graduate Student Employee Representation Growth, 2013-2025.



Data from William A. Herbert, Jacob Apkarian, and Joseph van der Naald, 2024 Directory of Bargaining Agents and Contracts in Institutions of Higher Education and William A. Herbert, Joseph van der Naald, and Jacob Apkarian. Every Grain of Sand: 2024 Changes to the Scope of Higher Education Unionization. Journal of Collective Bargaining in the Academy 16, no. 1 (2025) and National Center database for new bargaining units in 2025.



Chicago School of Law, and the University of California, College of the Law, San Francisco. Last year saw a significant drop in new and enlarged bargaining units but continued growth in the number of represented graduate student employees³⁷ (Figure 2).

The Future of Student Unionization

In 2024, Proskauer Rose attorneys predicted that undergraduate bargaining units were “here to stay.”³⁸ The prediction was only partially true for unionization of both undergraduate and graduate student employees.

It is likely that student employee representation growth will continue in states with public sector collective bargaining laws applicable to student employees in higher education. For example, late last year a petition was filed to represent a proposed unit of 1,400 at Portland State University.³⁹ Undergraduate work and unionization efforts on public sector campuses will be impacted if the Trump administration is successful in cutting the current level of work-study funding.⁴⁰

History has shown that precedential stability under public sector collective bargaining laws is far more common than under the National Labor Relations Act. The potential for future increases in student union representation is more likely under public sector precedent as well as proposed legislation in New York State to permit inter-collegiate athletes to unionize,⁴¹ and bills in other states to extend or expand collective bargaining rights in higher education. A pending public sector collective bargaining bill in Virginia would cover higher education students employed in any capacity.⁴²

The future of student employee unionization in the private sector is far less certain. As at public institutions, proposed cuts in federal work-study spending will decrease undergraduate student employment. In addition, the Trump administration’s aggressive immigration policies have already negatively impacted employment of noncitizen graduate student employees.

Furthermore, the legal future of student labor rights under the National Labor Relations Act might be changed in the next few years. Whether there is a change will depend on the position taken by the new NLRB’s general counsel concerning the 2016 *Trustees of Columbia University* decision, the new board majority’s approach to that precedent, and the real potential for presidential interference in the board’s independence under the unitary executive theory.⁴³

During the first Trump administration the NLRB proposed a rule to reverse the *Trustees of Columbia University* decision but withdrew the proposed rule after comments were submitted. Unlike prior inflection points, agency reconsideration of the student employee status under the NLRA will require an analysis of the large body of empirical evidence from negotiated contracts at private and public institutions that can answer the prior theoretical arguments and concerns regarding the feasibility of student employee representation.

If the new NLRB majority reverses precedent recognizing student employee status, continued unionization growth will require voluntarily recognition by universities following the lead of Syracuse University and other institutions. Whether a particular institution will agree to voluntarily recognize a union will depend on the values of its leaders and trustees, its collective bargaining experiences with other unionized employees, and what legal advice it relies upon.

The success and impact of undergraduate and graduate student employee union representation will require overcoming certain known challenges. First, grant funding for graduate student employment may not be adequate to cover negotiated compensation increases agreed to by the university. This will require the university to cover the difference, or the principal investigator will have to reallocate the grant money. Other challenges are the constant turnover of students because of the academic cycle and reported bargaining unit divisions resulting from union positions on issues extraneous to terms and conditions of employment.

Finally, future research on student employee representation should include longitudinal qualitative research examining how student experiences in labor organizing and being represented by a union impacted their views about representational democracy and the trajectory of their lives and careers after leaving higher education.



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Endnotes

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2. William A. Herbert and Joseph van der Naald, *Graduate Student Employee Unionization in the Second Gilded Age*, in *Revaluing Work(ers): Toward a Democratic and Sustainable Future*, LERA Research Volume, 222-223 (Schulze-Cleven, ed., 2021), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1739&context=hc_pubs.
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7. *Cornell University*, 183 NLRB 329 (1970).
8. *University of Oregon*, Oregon Public Employee Relations Board, Case No. C-8 (1970).
9. *UO Signs Contract with Union*, The Coos Bay World, August 14, 1971, p. 12. See *University of Oregon and University of Oregon Employees Union, Local 1893, AFSCME* (effective July 7, 1971) and *University of Oregon, and Student Food Service Employees Union Local 1893, AFSCME, AFL-CIO* (April 15, 1975-April 15, 1976 (in possession of author)). Author acknowledges the assistance of the archivists at the University of Oregon Libraries, Special Collections and University Archives in providing the documents.
10. *Student Worker, Defeated at OU, Will Try Again*, Cincinnati Inquirer, May 25, 1974, at 28.
11. Keith Groty and Melanie Warner, *An Attempt at Student Employee Unionization: The Michigan State University Experience*, 28 *Journal of the College and University Personnel Association* 4, 39-45 (1977).
12. *City of New York and the City University of New York* 14 OCB 7 (1974). Cf. *The City of New York*, et al. 18 OCB 34 (July 28, 1976) (concluding that CETA-funded undergraduate student employees were entitled to union representation).
13. 29 U.S.C. 151, et. seq.
14. See *San Francisco Art Institute*, 226 NLRB 1251 (1976).
15. William A. Herbert, Jacob Apkarian and Joseph van der Naald, *2024 Directory of Bargaining Agents and Contracts in Institutions of Higher Education*, National Center for the Study of Collective Bargaining Agents and Contracts of Higher Education, Table A6, 110-111, <https://research-data.hunter.cuny.edu/ncsbhep/2024DirectoryofBargainingAgentsandContractsinInstitutionsofHigherEducation.pdf>.
16. *Board of Trustees of the University of Massachusetts*, MLRC Case No. SCR-01 2246 (2002), <https://www.mass.gov/doc/massachusetts-labor-cases-volume-28-mlc-225/download>.
17. *Agreement Between the Board of Trustees of the University of Massachusetts and the UAW Local 2322 Resident Assistants/Peer Mentors Unit* (July 1, 2021-June 30, 2024), <https://www.umass.edu/hr/media/3626/download?inline>.
18. *Trustees of Grinnell College*, NLRB Case No. 18-RC-174071 (2016).
19. *Northwestern University*, 362 NLRB No. 167 (2015) (declining jurisdiction over a petition to represent collegiate scholarship athletes at Northwestern University).
20. *Board of Higher Education of the City of New York*, 2 NYPERB ¶ 3000 (1969) (union certified to represent a combined unit of contingent faculty, teaching assistants and others).
21. N.P. Feinsinger and E.J. Roe, *The University of Wisconsin, Madison Campus – TAA Dispute of 1969-70: A Case Study*, *Wisconsin Law Review* 1, 229-274 (1971).

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23. *State of New York (State University of New York)*, 24 PERB ¶ 3035 (1991), *conf'd*, *State of New York (State University of New York) v. New York State Public Employment Relations Board*, 586 N.Y.S.2d 662 (3d Dept 1992).
24. Joe Berry and Michelle Savarese, *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education*, 50-54, tbl 3 (2012), <https://www2.hunter.cuny.edu/pending-migration/ncsbhep/ncsbhep-2012-directory-8-15-12-rc2.pdf>.
25. 29 U.S.C. § 151-169; See William A. Herbert and Joseph van der Naald, *supra* note 22. (for the circuitous legal history regarding status of graduate student employees under the NLRA).
26. 195 NLRB 639 (1972). See also *Leland Stanford Junior University*, 214 NLRB 621 (1974).
27. See *New York University*, 332 NLRB 1205 (2000) (holding for the first time that graduate student employees were statutory employees under the NLRA, which was overturned four years later in *Brown University*, 342 NLRB 483 (2004)).
28. 364 NLRB No. 90 (2016) (overturning *Brown University*, 342 NLRB 483 (2004)), *San Francisco Art Institute*, 226 NLRB 1251 (1976), and other precedent to find that graduate and undergraduate student employees in higher education were employees covered under the NLRA.
29. *NLRB v. Town & Country Elec., Inc.*, 516 U.S. 85 (1995).
30. William A. Herbert, Jacob Apkarian, and Joseph van der Naald, *Supplementary Directory of New Bargaining Agents and Contracts in Institutions of Higher Education, 2013-2019 (2020)*, <https://www2.hunter.cuny.edu/pending-migration/ncsbhep/supplementaldirectory-2020-final.pdf>.
31. See Liam Maclean and Adam Tomasi, *Graduate Worker Unions Win Major Gains and Strengthen the Labor Movement*, People's Policy Project (Dec. 22, 2023), <https://www.peoplespolicyproject.org/2023/12/22/graduate-worker-unions-win-major-gains-and-strengthen-the-labor-movement>.
32. See Anu Biwas, Melanie Kruevelis, Erin Ward, Karen Stubaus, and William A. Herbert, *Anti-Discrimination Clauses in Higher Education Collective Bargaining Agreements*, 3 (2024), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1893&context=hc_pubs.
33. William A. Herbert and Joseph van der Naald, *supra* note 2.
34. William A. Herbert, Jacob Apkarian, and Joseph van der Naald, *supra* note 15.
35. See William A. Herbert, Joseph van der Naald and Jacob Apkarian, *Every Grain of Sand: 2024. Changes to the Scope of Higher Education Unionization*, 16 *Journal of Collective Bargaining in the Academy*, Article 10 (2025). See also *Trustees of Dartmouth College*, NLRB Case No. 01-RC-325633 (petition withdrawn following NLRB certification of the union).
36. *2024 Directory of Bargaining Agents and Contracts in Institutions of Higher Education*, *supra* note 30.
37. One of the new graduate student employment units in 2025 was at Pennsylvania State University. In late 2025, the university filed exceptions with the Pennsylvania Labor Relations Board challenging the certification of that unit, which includes 4225 employees. See *Pennsylvania State University*, Case No. PERA-R-24-276-E.
38. See Elizabeth Dailey, Mallory Knudsen, Steven Porzio, and Paul Salvatore, *Undergraduate Bargaining Units Are Here to Stay – and 20,000 Members Stronger*, *Proskauer Labor Relations Update* (March 4, 2024), <https://www.jdsupra.com/legal-news/undergraduate-bargaining-units-are-here-2548332>.
39. *Portland State University*, OERB Case No. Case No. RC-022-25 (filed Dec. 19, 2025).
40. See Laura Spitalniak, *Congress Moves To Reject Trump Plan To Slash Education Department Funding*, Higher Ed Drive (Jan. 20, 2026), <https://www.higheredrive.com/news/congress-moves-to-reject-trump-plan-to-slash-education-department-funding/810024>.
41. See NY A 2014 (introduced on Jan. 7, 2026), <https://legiscan.com/NY/text/A02014/2025>.
42. See VA HB 1263, §40.1-57.4 (introduced on Jan. 14, 2026), <https://legiscan.com/VA/text/HB1263/id/3318364/Virginia-2026-HB1263-Introduced.html>.
43. See *Trump v. Wilcox*, 605 U.S. ___, 145 S. Ct. 1415 (2025) (Supreme Court majority issued a decision granting an emergency stay overturning lower court decisions reinstating NLRB Board member Gwynne Wilcox. The shadow docket decision strongly indicates that the majority's view that presidential power includes summarily discharging NLRB Board members for any reason.). It remains to be seen whether presidential authority under the unitary executive theory will be deemed to trump the quasi-judicial ethical mandates of the Administrative Procedure Act, 5 U.S.C. §§ 551-706, thereby necessitating board members and administrative law judges to resign to avoid complying with ethically improper directives from outside the agency.