



The Society for the Study of Social Problems

Publishers of the Journal *Social Problems*

901 McClung Tower University of Tennessee Knoxville, TN 37996-0490
Phone: 865-689-1531 Fax: 865-689-1534 E-mail: sssp@utk.edu
www.sssp1.org

OFFICERS (2019-2020)

Heather M. Dalmage, Ph.D.
Roosevelt University
President

Corey Dolgon, Ph.D.
Stonchill College
President-Elect

Nancy J. Mezey, Ph.D.
Monmouth University
Past-President

Daina Cheyenne Harvey, Ph.D.
College of the Holy Cross
Vice-President

Pamela Anne Quiroz, Ph.D.
University of Houston
Vice-President-Elect

Glenn W. Muschert, Ph.D.
Khalifa University of Science & Technology
Secretary

Susan M. Carlson, Ph.D.
Western Michigan University
Treasurer

BOARD OF DIRECTORS

Maralee Mayberry, Ph.D. (2020)
University of South Florida

Fernando I. Rivera, Ph.D. (2020)
University of Central Florida

Yvonne A. Braun, Ph.D. (2021)
University of Oregon

Matthew W. Hughey, Ph.D. (2021)
University of Connecticut

Debbie A. Potter, Ph.D. (2021)
University of Louisville

Giovanna Follo, Ph.D. (2022)
Wright State University

Bhoomi K. Thakore, Ph.D. (2022)
University of Central Florida

Apoorva Ghosh, Student (2020)
University of California, Irvine

Melissa R. Maxey, Student (2021)
University of Oklahoma

Kristen M. Budd, Ph.D. (2021)
Miami University
Ex-Officio, Chairperson, Council of the Divisions

Annulla Linders, Ph.D. (2021)
University of Cincinnati
*Co-Editor of *Social Problems**

Earl Wright II, Ph.D. (2021)
University of Cincinnati
*Co-Editor of *Social Problems**

EXECUTIVE OFFICER

Héctor L. Delgado, Ph.D.
University of La Verne (Emeritus)

ADMINISTRATIVE OFFICE

Michele Smith Koontz
University of Tennessee
Administrative Officer & Meeting Manager

Kelsey Whitaker
University of Tennessee
Assistant to the Administrative Officer

Rachel Cogburn
University of Tennessee
Information Technology Specialist

Zaina Shams
University of Tennessee
Graduate Research Associate & Webmaster

January 24, 2020

Ms. Roxanne Rothschild, Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, D.C. 20570-0001

Dear Ms. Rothschild:

The Society for the Study of Social Problems (SSSP) submits these comments in response to and in support of comments submitted by the American Association of University Professors (AAUP) regarding the notice of proposed rulemaking (NPRM) originally published in the Federal Register at 84 FR 49691 by the National Labor Relations Board (NLRB) on September 23, 2019, and corrected on October 17, 2019, concerning the employee status of university and college student employees under the National Labor Relations Act (NLRA). The SSSP is one of the oldest and most respected social justice social science organizations in the United States, with members in virtually every state and many countries. Our members include social scientists, professional practitioners, university faculty, and graduate students, many of whom are employed by their universities as teaching or research assistants. In fact, forty percent of our membership is made up of graduate students.

The NLRA gives workers the fundamental right to organize and join a union at their place of employment. For many years, graduate student workers across the country have been exercising these rights at the public and private universities where they are employed while they pursue their education. Through unionization, graduate employees have secured fairer living wages, healthcare benefits, a voice in shaping their working conditions, and important protections regarding discrimination and harassment—a very serious and ongoing problem in higher education. The contention in this new proposed rule that graduate students who teach or assist faculty with their research are not employees is not supported by the evidence. As faculty, we assure you that these students are indeed employees of the institutions in which they teach and assist in research. They rely on that income to pay rent and put food on their table, just as you and we do for the work we perform. Consequently, under the National Labor Relations Act (NLRA), they should have the same rights and benefits that workers in both the private and public sectors enjoy.

The proposed rule change also appears to be based on the flawed reasoning that extending employee rights to student teaching assistants would harm private institutions' "academic freedom," despite the fact that graduate student workers in public universities have enjoyed these same rights for the last 50 years. We agree strongly with the AAUP, when it wrote in their comment to the NLRB, that "collective bargaining is an effective tool to promote and protect academic freedom. AAUP chapters have established explicit guarantees of academic freedom in their collective bargaining contracts, sometimes incorporating

language from the 1940 *Statement of Principles on Academic Freedom and Tenure*. These contracts make promises of academic freedom legally enforceable.”

In closing, we urge the NLRB to let stand the precedent of *Columbia University, 364 NLRB, No. 90m (2016)*, based on compelling law, policy, and empirical evidence, and to withdraw this proposed rule. The SSSP believes that all workers deserve the basic right to a union—including graduate assistants at private universities.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Delgado', with a stylized flourish at the end.

Héctor L. Delgado, Ph.D.
Executive Officer, SSSP
Professor Emeritus, University of La Verne