

## Guidance and FAQs for University of Rochester Faculty and Leaders Regarding Union Organizing Campaigns

On November 22, 2023, certain graduate students at the University announced that they have affiliated with the Service Employees International Union (SEIU), Local 200United and have indicated their desire to unionize. The University is now on notice of an organizing campaign and the law proscribes certain types of communication with students. To avoid interference with graduate students' right to join a union, the National Labor Relations Act ("NLRA" or the "Act") places limits on what supervisors and managers can legally say and do during a union organizing campaign. Pursuant to the NLRA, it is likely that many of our faculty members would be considered supervisors or managers under the Act and therefore bound by these restrictions. As such, the University of Rochester has prepared guidance for faculty, as well as academic leaders, when communicating with graduate students about this issue based on these legal requirements.

### *General Guidance*

Before speaking with graduate students about unionization, it is important that you remember to avoid "**TIPS**": (1) Threats; (2) Interrogation; (3) Promises; and (4) Surveillance/Spying.

- For instance, supervisors may not:
  - Make **threats** to graduate students that forming a union or not forming a union will result in negative treatment for them or for students as a group;
  - **Interrogate** or question graduate students about their union activity or support for the union;
  - Make **promises** of benefit to graduate students as incentive to join or not join the union; or
  - **Spy** on or surveil graduate students or union meetings, or otherwise give the impression that graduate students' union activities are being surveilled.

Additionally, as a general matter, supervisors and managers may not engage in conduct that would be seen as interfering with or coercing graduate students in their choice to form or join a union. For instance, a supervisor or manager cannot, among other things:

- Ask a graduate student to report on union activities;
- Ask a student to explain their issues/grievances with the University that would lead to them wanting to join a union;
- Guarantee outcomes regarding the union election; or
- Discipline a graduate student because of their union support or union-organizing activities.

With that being said, the University does have free speech rights that are protected by law. Specifically, supervisors and managers should feel free to provide students with **facts** about the union, their **opinion** about unions, and **examples** of their own experiences with unions or some of the issues related to being in a union. When in doubt, remember the acronym "FOE."

For instance, it is permissible for supervisors to:

- Emphasize the importance of voting if an election is held and point out the fact that the election will be decided by a majority of those who actually vote;
- State their opinion on union representation;
- Point out the importance of making an educated decision regarding union representation;
- Discuss the possible financial obligations, such as dues, which graduate students may have to assume if they were represented by a union;
- Tell graduate students the facts about any experience the supervisor or manager may have had with unions;
- Tell graduate students that, in collective bargaining, neither side is required to agree to what the other side wants, although the parties must bargain in good faith;
- Discuss that a union election is conducted by the NLRB through a secret ballot process and that all votes are anonymous;
- Explain that even if a graduate student signed a union authorization card, they are under no obligation (legal or otherwise) to vote for the union in an election;
- Direct graduate students to places where they can find answers to their questions.

**If you find yourself in a conversation where you are unsure of its appropriateness or what you can respond to, tell the individual you will get back to them and contact your school dean or the [University Dean of Graduate Students Office](#) for advice.**

### *Some FAQs for faculty*

#### **FAQ 1: What if I do not wish to comment on whether a graduate student should join a union?**

Please know that as faculty and administration, you should do what feels most natural to you. If you would rather not speak on the issue, you can express neutral statements advising students to do their research on the unionization process, and to get all the facts *before* signing a union card. You could also simply listen to the student and let them know you understand the difficulty of the decision. Alternatively, you could point them to other members of faculty or senior management who may have more information on the topic.

#### **FAQ 2: What if I personally believe a union would be beneficial to graduate students?**

We understand that our faculty and administration bring a host of diverse views and opinions to our campus and we respect that members of our faculty and administration may believe that a union on campus would benefit graduate students. If you are of that view, you are free to share facts, your opinions, or your personal experiences on the matter. However, it is important to remember that students must have the freedom to decide to join or not join a union and you should avoid any threatening or coercive behavior when speaking with students about your beliefs.

#### **FAQ 3: What if a graduate student says something that is factually inaccurate?**

If a student comes to you and shares inaccurate information, you can and should correct it. For instance, if a student says that the union guaranteed them better wages, you can tell them that all terms would be subject to collective bargaining and either side can refuse to accept the terms offered. Making sure our students make an informed decision based on facts is one of the most important goals of the University.

**FAQ 4: What if I don't know the answer to a graduate student's question?**

We do not expect you to be able to answer every question that you are asked and you should not feel pressured to do so. If a graduate student asks you a question that you do not know the answer to or do not feel confident answering, you should refer them to someone with more information. You may contact your school dean who can direct your question to appropriate parties or you may reach out to the University Office of Graduate Education.