

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,**

Employer

and

**GRADUATE WORKERS OF COLUMBIA-
GWC, UAW**

Petitioner

Case No. 02-RC-143012

**THE RESPONSE OF THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK TO PETITIONER'S REQUEST FOR REVIEW**

The Trustees of Columbia University in the City of New York (“Columbia” or the “University”), pursuant to Section 102.67 of the Rules and Regulations of the National Labor Relations Board, submits this response to Petitioner’s Request for Review of the Supplemental Decision and Order Dismissing Petition (“Decision”) issued by the Regional Director, Region 2, on October 30, 2015.

Columbia believes that *Brown University*, 342 NLRB 483 (2004) (“*Brown*”) was correctly decided and that the students covered by the petition are not employees under the National Labor Relations Act. Nevertheless, Columbia recognizes that the Board has granted review in *The New School*, Case 02-RC-143009 in order to reconsider *Brown*. Order, dated October 21, 2015. Therefore, Columbia agrees with Petitioner Graduate Workers of Columbia – GWC, UAW (“GWC” or “Petitioner”) that the Board should review the Decision, as any reconsideration of *Brown* should include the record in this case.

Notably, the facts of *Brown* apply squarely to graduate student assistants at Columbia. Indeed the Board identified a number of factors in *Brown* that were instrumental to its holding that the relationship between graduate assistants and the university was principally educational, rather than economic:

- Graduate student assistants are admitted into, not hired by, the university;
- Graduate student assistants must be students enrolled in the university in order to receive an instructional or research appointment;
- The principal time commitment of the graduate student assistants is focused on obtaining a degree, i.e., being a student, and service time is limited;
- Teaching is an important component of most Ph.D. programs offered, and is often required as a condition to receipt of the Ph.D. degree;
- Graduate student assistants perform their service under the direction and control of department faculty members, typically the student’s dissertation advisor;

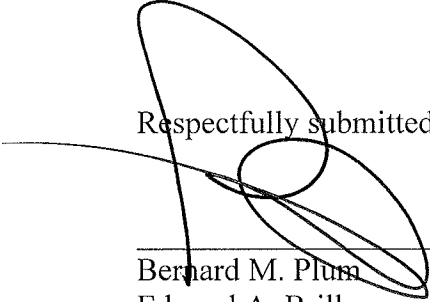
- Financial support is provided only to students, and only for the period in which the students are enrolled;
- Fellows without appointments receive the same financial aid as students with instructional or research appointments; and
- The vast majority of doctoral students receive financial aid.

Brown, 342 NLRB at 488-89. Each of these factors applies equally, if not more strongly, to the record in this case. Therefore, for the Board to properly and completely address *Brown*, it should do so based on the record in both *The New School* and this case.

Accordingly, Columbia does not oppose the Petitioner's Request for Review and asks that the Board set a schedule for briefing so that the parties can present full arguments on the issues raised in connection with reconsideration of *Brown*, based on the evidentiary record developed in this case.

Dated: New York, New York
November 20, 2015

Respectfully submitted,



Bernard M. Plum
Edward A. Brill

PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036-8299
(212) 969-3000

Jane E. Booth
Patricia S. Catapano

COLUMBIA UNIVERSITY
Office Of The General Counsel
412 Low Memorial Library
535 West 116th Street
New York, New York 10027

Of counsel:
Susan C. McAleavey

Attorneys for
The Trustees of Columbia University
In the City of New York