



## SR-84.02

### “Student Workers’ Labor Protections Resolution”

#### (Resolution supporting strengthened labor protections for student workers and autonomy within traditionally student-led programs)

**WHEREAS** The National Labor Relations Act (NLRA) and subsequent amendments to federal labor law, as well as other applicable state laws, mandate that employers allow employees to organize their workplace together for improved wages or conditions (“protected concerted activity”), regardless of whether these activities are for the specific purpose of gaining or exercising formal legal recognition of a collective bargaining unit;

**WHEREAS** Two student employees<sup>1</sup> for the SOL: LGBTQ+ Multicultural Support Network were fired within this immediate past spring term, without cited reasons from their employer. These firings followed concerted activities led in part by both of these employees to organize fellow staff in support of better labor conditions, strengthened protections against discrimination, and increased autonomy for formerly student-operated programs. Both former employees identify as LGBTQ+ and students of color;

**WHEREAS** By March, the majority of student staff between SOL: LGBTQ+ Multicultural Support Network and Pride Center had filed and submitted reports to Equal Opportunity and Access (EOA) and Human Resources (HR) regarding discrimination in the workplace and fear of retaliation. Still to this day, over three months after student staff were initially promised a meeting with HR, they still have yet to be offered a meeting time;

**WHEREAS** In the first of the two dismissals referenced above, the employee in question arrived at a previously scheduled appointment with a supervisor and human resources, in which the employee reasonably expected to be terminated from their position (based upon preceding electronic communications with the supervisor);

**WHEREAS** Upon arriving, peacefully-assembled students rallied in protest of the impending decision to terminate said student, without impeding access through the public lobby, nor violating law or university policy. In the meeting thereupon conducted between the employee and their supervisor, the employee learned of their dismissal;

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<sup>1</sup> The employees referenced in this clause have stated their intention to provide testimony to the Senate, identifying themselves for the written record. Members of the Student Senate present for all or part of the events described in their respective case(s) may further corroborate the veracity of these accounts for the written record.

**WHEREAS** In the second ( and later) of the two dismissals referenced above, the employee in question reasonably anticipated their termination under the same preceding circumstances as described in the first case;

**WHEREAS** Upon arriving at their place of work for the presumed disciplinary meeting, the employee learned that a university administrator under the employing department had called multiple officers of the Oregon State University Police to the scene without warning. Neither the employee's supervisor, nor the university or any department thereof, have publicly cited any violations of law or university policy, nor disclosed any reasonable suspicion of danger to any persons present, as a justification for this escalation. The employee's eventual termination, once announced following these events, was delayed but non-voluntary;

**WHEREAS** Well-documented racial disparities in experiences with police<sup>2 3</sup> and policing systems suggest that the decision to call in law enforcement personnel carries a disparate impact upon students and workers of color. As an institution with a stated commitment to Diversity, Equity, and Inclusion (DEI), these spaces and those who work in them should especially be expected to act with an understanding and duty of care toward this reality<sup>3</sup> ;

**WHEREAS** In addition, this past year, a former student government staffer<sup>5</sup> under the ASOSU reported being required to resign or be terminated at a first-ever performance review. This review alleged insufficient performance, despite the employee receiving awards from nonprofit and state government partners, and colleagues and former occupants of the position speaking to the employee's record accomplishments;

**WHEREAS** The above review followed coordinated organizing with coworkers on a living wage bill, which named the employee as an author, expressly in their personal capacity. Almost immediately thereafter, the employee's supervisor<sup>6</sup> sent a team email cautioning staff members concurrently running in the student body election that, *"if you believe that the priorities of this administration are not [ sic.] longer in alignment with those of your future endeavors, this is something that we can further discuss"* ;

**WHEREAS** It is the sense of this Senate that merely the credible *plausibility* that protected concerted activities may have acted as an influence upon the dismissal of an employee is itself sufficient to warrant the strengthening of labor protections. An effort to this end works to ensure the security of employment of student staff,

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<sup>2</sup> Fahmy, Drew DeSilver, Michael Lipka and Dalia. "10 Things We Know about Race and Policing in the U.S." *Pew Research Center* , 3 June 2020, <https://www.pewresearch.org/short-reads/2020/06/03/10-things-we-know-about-race-and-policing-in-the-u-s/>. <sup>3</sup>

Schwartz, Gabriel L., and Jaquelyn L. Jahn. "Disaggregating Asian American and Pacific Islander Risk of Fatal Police Violence." *PLoS ONE* , vol. 17, no. 10, Oct. 2022. *PubMed Central*, <https://doi.org/10.1371/journal.pone.0274745> .

<sup>3</sup> Nagarajan, Smriti. A Peer-Driven Assessment of the LGBTQ Student Of Color Experience At UCLA. pp. 1–21.

<sup>5</sup> *The staffer referenced in this clause has testified to members of this Senate individually and on the basis of anonymity. Documentation of details beyond those contained in this report may be requested to the extent permissible under Oregon Public Records Law (ORS Chapter 192) and other applicable laws.* <sup>6</sup>

*The term, "supervisor," is used here in a manner consistent with its definition in the NLRA.*

clarifies the intentions of supervisors and university leaders, and mitigates unnecessary liability potential for the ASOSU and the university generally;

**WHEREAS** In the specific examples described herein, this Senate expresses its considered judgment that the preponderance of the available evidence supports the claims of these former student employees, who believe in good faith that protected concerted activities influenced their dismissal by their employer;

**WHEREAS** Insofar as any department of Oregon State University may have knowingly or unknowingly failed to comply with the provisions of the NLRA or other labor protections under applicable law or university policy, the ASOSU calls upon the university to promptly and appropriately remedy these concerns.

**BE IT HEREBY RESOLVED BY THE ASOSU THAT:**

**The ASOSU recognizes and supports the legally recognized labor rights of all workers at Oregon State University.** Workers of any kind at Oregon State University should not be disciplined for concerted activity organized to improve the conditions of their workplace. The ASOSU sympathizes with and expresses sincere concern in any case in which organizing by student leaders across university departments in recent months may have influenced disciplinary decisions, and condemns all such violations of employee rights.

**Student workers within traditionally student-led programs and initiatives (such as the student government or cultural affinity groups like the CRCs or SOL) must have the flexibility to advocate for the genuine interests of the communities they represent.** To maintain the student voice integral to the foundation of these programs, this must be the case even when the student advocacy may differ from, or even oppose, the priorities of the university administration. Dialogue between student leaders and university officials has and will continue to advance and evolve the university's mission.

**The ASOSU supports and urges the university's adoption of expanded labor protections beyond those required by law**, especially for policy/advocacy-related or community-based student positions, and for all workers at Oregon State University. These protections may include, but are not necessarily limited to:

- 1) Termination of employment, when it occurs, is for a clearly stated and legally permissible cause following a defined procedure and due process;
- 2) Completion of any pertinent investigations prompted by employee reports to Equal Opportunity and Access (EOA) or Human Resources (HR), prior to disciplinary action;
- 3) Employees have clear and reasonable opportunities to remedy a cause for concern prior to termination in any case where the employing unit may reasonably provide this opportunity without risk to others;
- 4) The university refrains from using police or public safety forces in the resolution of labor disputes;
- 5) Employees are permitted to be accompanied by a labor representative or coworker in potential disciplinary meetings, as is currently guaranteed by federal law for employees in a legally recognized union (including many OSU employees, but not most student workers)<sup>4</sup> ;

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<sup>4</sup> This right was previously granted to non-union employees by the National Labor Relations Board (NLRB), prior to its 2004 IBM Corp. ruling. (See <https://www.nlr.gov/case/11-CA-019324>.)

- 6) Offering meetings regarding employment status to be held in-person;
- 7) The ASOSU Student Government ensures that it designates positions specifically for supporting student labor issues, as well as supporting students of color as they navigate the unique challenges within the university structures of the predominantly white institution.

**This resolution shall be sent to:**

Jayathi Y. Murthy, President, Oregon State University  
Members of the Oregon State University Board of Trustees  
Heather Horn, Chief Human Resources Officer  
Nicole Dolan, Executive Director of Budget Development and Strategic Planning  
Edward Feser, Provost & Executive Vice President, Oregon State University  
Dan Larson, Vice Provost of Student Affairs  
Kevin Dougherty, Associate Vice Provost & Dean of Students  
Francis Pastorelle, Director, ASOSU Office of Advocacy  
Molly Chambers, Associate Advocate, ASOSU Office of Advocacy  
Members of the University Budget Committee (UBC)

**Authored by:**

OSU Queer Students of Color Association (OSUQSOCA)

**Sponsored by:**

Adison Rowe, ASOSU Senator President pro tempore  
Mercedez Allen, ASOSU Senator  
Emerson Pearson, ASOSU Senator


**Confirmation of passage:**

Zach Kowash, ASOSU Vice President and Student Senate President

Signature:  Date: 6/26/24

**Approval or veto by the ASOSU President:**

Audrey Schlotter, ASOSU President

Signature:  Date: 7/2/24  **Approved**  **Vetoed**