

760812.1

**OFFICERS AND EMPLOYEES:** Public Employees Relations Act.

**COLLEGES AND UNIVERSITIES:** Union organized by students.

Although college and university students may organize any lawful association, the governing board of a state college or university is not required to negotiate with collective bargaining representatives of a student union.

College and university students are not employees of the college or university that they attend and have no right to intervene in negotiations between the governing board of an institution of higher education and employees of the institution.

Opinion No. 5022

August 12, 1976.

Honorable Gary M. Owen  
State Representative  
Capitol Building  
Lansing, Michigan

You have requested my opinion on questions which may be stated:

1. Is it legal for students attending a state university to organize a union?
2. If it is legal for students to organize a union, is the governing board of a university required to negotiate with the collective bargaining representatives in good faith?
3. May students attending a state university participate in union negotiations between the governing board and employees of the university?

The governing boards of state universities are public employers, within the provisions of the Public Employees Relations Act, 1947 PA 336; MCLA 432.201 *et seq*; MSA 14.455(1) *et seq*. *Regents of the University of Michigan v Michigan Employment Relations Commission*, 389 Mich 96; 204 NW2d 218 (1973), and *Board of Control of Eastern Michigan University v Labor Mediation Board*, 384 Mich 561; 184 NW2d 921 (1971). Thus, the right to collectively bargain with the universities is controlled by the provisions of 1947 PA 336, *supra*.

For students to come within the purview of the Public Employees Relations Act, *supra*, they must be deemed to be "public employees" within the meaning of the act. The term "public employee" is undefined within the statute itself. The Supreme Court, however, has indicated in *Regents of the University of Michigan v Michigan Employment Relations Commission*, *supra*, that interns, residents and post-doctoral fellows may be public employees and have rights to organize under the provisions of the Public Employees Relations Act without infringing upon the constitutional autonomy of the Board of Regents. However, the Court carefully limited the bargaining rights of student-employees to strictly employment issues, stating:

"Because of the unique nature of the University of Michigan, above referred to, the scope of bargaining by the Association *may be*

*limited if the subject matter falls clearly within the educational sphere. Some conditions of employment may not be subject to collective bargaining because those particular facets of employment would interfere with the autonomy of the Regents . . .” Regents of the University of Michigan v Michigan Employment Relations Commission, 389 Mich 96, 109; 204 NW2d 218, 224 (1973) [Emphasis added]*

Accordingly, even where the Court recognizes the right of student-employees to collectively bargain, this right has been limited to employment matters and the governing board of a university is not required to negotiate with collective bargaining representatives of students as to educational matters.

Nonetheless, students may organize a union or any other lawful association. However, the governing board of the university is under no obligation to recognize and enter into collective bargaining with a student organization under the provisions of the Public Employees Relations Act, *supra*.

As decided by the Michigan Supreme Court in *Regents of the University of Michigan v Michigan Employment Relations Commission, supra*, the Public Employees Relations Act, *supra*, governing the relationship between unions and public employers, has no application to relations between student organizations and governing boards. Thus, students who are not employees of a university have no right to intervene in negotiations between a university governing board and employees of a university.

FRANK J. KELLEY,  
*Attorney General.*

760817.1

**RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS COMMISSION:** Suspension or revocation of license for filing in bankruptcy.

**LICENSES AND PERMITS:** Suspension or revocation for filing in bankruptcy.

**BANKRUPTCY:** Suspension or revocation of license for filing in bankruptcy.

A statute that provides for suspension or revocation of the license of a person licensed under the Residential Builders and Maintenance and Alteration Contractors Act because the person has filed a bankruptcy petition is unconstitutional.

Licensed builders and contractors are required to maintain a complete and accurate record disclosing their current financial conditions and are further required to submit to the Department of Licensing and Regulation, upon demand by the Department, a current, accurate and sworn statement showing their financial condition.