UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

TRUSTEES OF DARTMOUTH COLLEGE,

and

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 560,

Case 01-CA-348789 01-RC-325633

RESPONDENT TRUSTEES OF DARTMOUTH COLLEGE'S MOTION TO DISMISS CASES 01-CA-348789 AND 01-RC-325633

Pursuant to Sections 102.24, 102.65 and/or 102.67 of the National Labor Relations Board's Rules and Regulations, the Trustees of Dartmouth College ("Dartmouth") move to dismiss the pending unfair labor practice charge in Case 01-CA-348789 and the underlying representation proceeding, Case 01-RC-325633, because, on December 31, 2024, the Service Employees International Union, Local 560 ("Union") disclaimed interest in the petitioned-for unit and National Labor Relation Board Region 1 approved the withdrawal of the applicable representation petition. Dartmouth has argued and preserves its positions that the bargaining unit sought in Case 01-RC-325633, consisting of student-athletes participating on the Dartmouth Men's Basketball team, is inappropriate given that the student-athletes, among other things, do not receive athletic scholarships or monetary compensation for their participation in athletics and do not otherwise constitute employees under Section 2(3) of the Act. The Union's recent actions to withdraw the petition were taken after Dartmouth asserted these and other positions in submissions to the Board, supported by substantial precedent and authority.

unit by the Board. See Exhibit A.

¹ See, e.g., *Dartmouth College Basketball Players Halt Effort to Unionize*, N.Y. Times, (Dec. 31, 2024), https://www.nytimes.com/2024/12/31/us/dartmouth-basketball-unionize.html. The same day, the Regional Director for Region 1 approved the Union's request to withdraw the representation petition prior to any certification of any

While preserving and without waiving any and all contentions that have been asserted by Dartmouth, the Union's disclaimer of interest and withdrawal of its representation petition, which has been approved by the Regional Director for Region 1 prior to any Board certification, eliminate the jurisdictional basis for the above-captioned Board proceedings. Accordingly, Dartmouth moves to dismiss the above-captioned proceedings.

Dated: January 2, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustees of Dartmouth College's Motion to Dismiss Cases 01-CA-348789 and 01-RC-325633 was electronically filed today, January 2, 2025, using the National Labor Relations Board's electronic filing system and was served by electronic mail upon the following:

Roxanne L. Rothschild Executive Secretary National Labor Relations Board Roxanne.rothschild@nlrb.gov

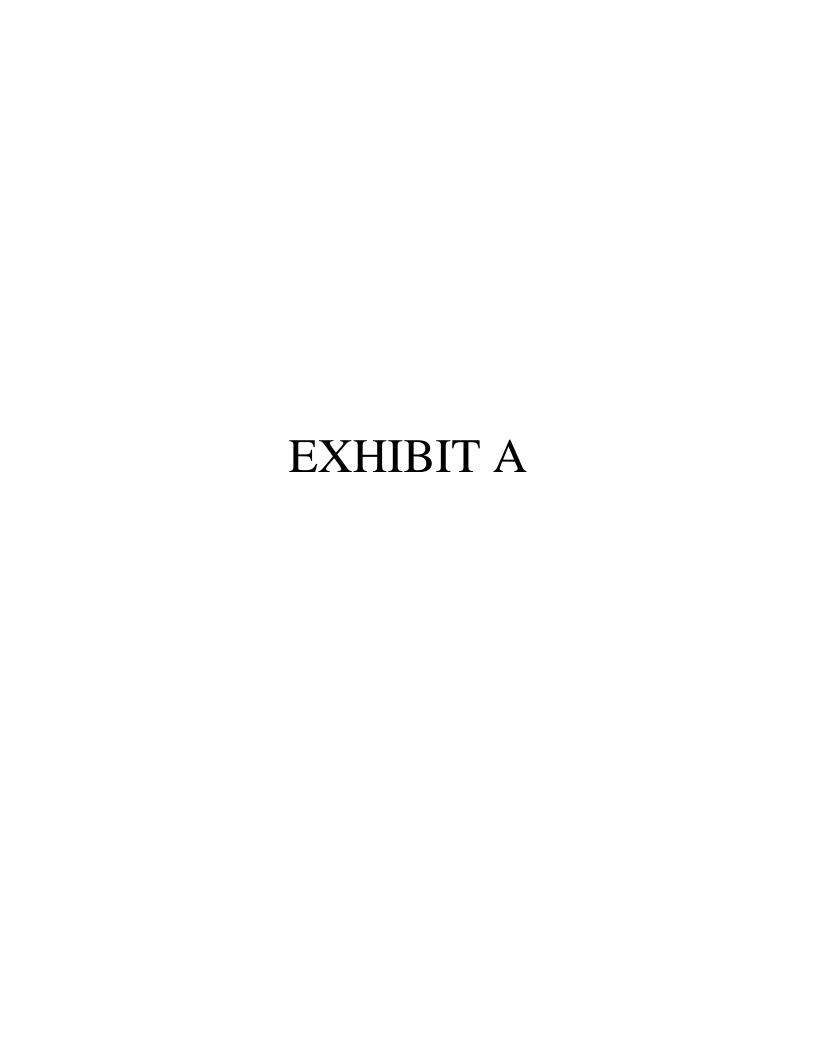
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December 31, 2024

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Re: Trustees of Dartmouth College Case 01-RC-325633

Dear Counselors:

This is to advise you that the Petitioner's request to withdraw the petition in the above case has been approved.

Very truly yours,

Laura A. Sacks Regional Director

cc: Cheryl M. Guerin, Exec. Dir. of HR
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