

RHETORICALLY RE-IMAGINING UNDERGRADUATE LABOR ORGANIZING
PROSPECTS, PROBLEMS, AND POSSIBILITIES

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BY

VERONICA ROSE POPP

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DEDICATION

To me.

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Thank you to my committee. For Brian Fehler who always believed in me. To Jacquelyn Hoermann Elliott who provided valuable insights based on strengthening my research methods. To J. Logan Smilges who promised they would be a cheerleader and instead gave me the tough love I needed. To Danielle Phillips-Cunningham, my joyful collaborator on the Burroughs project, a gentlewoman, a scholar, and the hardest working academic I've ever met. May we romp around many more cemeteries together in the future. These four amazing individuals made up my committee, each one of you inspires me.

To all and every worker who has sweated and toiled in labor. All power to the workers.

To my mother, who nearly killed me when she tried to kill herself.

To Tony who picked up the pieces.

ABSTRACT

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The question of undergraduate labor organizing has been debated by scholars since the 2016 *Columbia* decision, which now includes undergraduates. Scholars view rhetoric and composition analysis centered on students as writers and scholars, but this project shows that the field is not getting the full picture of student labor movements. I reignite labor rhetorics as a field by studying the rhetorical choices of private university undergraduate labor organizing through an examination of National Labor Relations Board (NLRB) case files in four-year schools such as Grinnell College, University of Chicago, and George Washington University to prove the labor of the mind is not unique from labor of the body. An examination of undergraduate labor movements at private institutions as they sought union representation through the lens of legal rhetorics, labor studies, and Black feminist thought reveals the way persons pursuing undergraduate degrees are discussed precludes our understanding of them as employees and prevents us from acknowledging their labor, even if done at the academy. I will be examining intersectional labor organizing in the legal field based on Black centered community work juxtaposed against white-centered union labor rhetorics revealing the previously misunderstood connection between the two; this is significant because it challenges class, race, and gender constructions of U.S. history that render invisible the influential labor organizing of those who are deemed both student and employee.

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CHAPTER I

INTRODUCTION

The concept of the gentleman scholar looms over the discussion of private undergraduate labor organizing. He languidly lounges in the drawing-room reading while his tea is served. His cravat is stylishly knotted, and his waistcoat is immaculately white. He studies despite or because of its impracticality and not its importance within the real world. He has no need for employment; the gentleman scholar's wealth is inherited, and society is already perfectly ordered with himself at the top. The gentleman scholar cannot entertain any concept of class mobility; it is a foreign concept to him and unacceptable to speak of in polite society. Perish the thought that the gentlemen scholar would ever join a union, those ignoble organizations of factory workers and public menial rabble-rousers who cause trouble whenever they feel they are owed money. The idyllic gentleman scholar image was massively outdated even as early as the 1950s and J. D. Salinger used the term *a gentleman and a scholar* derisively in *Catcher in the Rye*. Subverting the concept of the privileged gentlemen scholar within this discourse provides a call to action for readers to reassess their definitions, identifications, and associated symbols created in their mind's eye.

Undergraduate labor has been invisible for four hundred years. According to both *Encyclopedia Britannica* and Thomas Harley, undergraduate labor began at Trinity College, Dublin, and Cambridge University in the 1600s with the concept of the sizar

(Harley 3; “Sizar”).¹ The sizar student could not attend university due to financial burden but worked on campus as a domestic servant in exchange for fees and housing (Harley 3; “Sizar”). As the undergraduate population grew from white upper-class Christian men post World War II, so too did the undergraduate labor options on campus. Members of the university campus community tend to associate undergraduates with the carefree living of the gentlemen scholar and not with service worker positions. The student can be both an employee and a learner on campus, according to the law, but they are not defined that way by the university. This study suggests that the body of the laborer and labor of the mind can move in twain. The failure to identify a student also as an employee remains a core contestation between the student employees seeking union representation and the university that opposes unionization often based on the claim that students are not workers.

Undergraduate laborers are all around us and supply the same human capital as any other campus worker. The modern undergraduate laborer is taking one or more college classes, employed, and being paid for their work, academic or otherwise. Overall, within the United States, eight percent of the labor force are college students concurrently enrolled in school and laboring (Carnevale et al.). On average, the numbers have been consistent, seventy to eighty percent ² of college students have been working for the past twenty-five years (Carnevale et al.). Undergraduate laborers juggle double shifts of work

¹ The term *sizar* has its start within the court, as the term comes from the court of *assize* in England and Wales. Therefore, the entire concept of undergraduate labor has its start in the courts.

² The number significantly decreased due to the economic downturn of the 2000s.

and school. In total, the American Association of University Professors (AAUP) cites the Department of Education statistics that in 2017, 43% of all undergraduates and 81% part-time students were employed (Perna and Odle). In terms of racial demographics, a student of color is more likely to work, to engage in work unrelated to their major, and to attend a public, open-enrollment institution such as a community college, thereby increasing time to degree (Perna and Odle). These statistics are gendered as sixty percent of women are employed and attending college versus forty percent of men (Carnevale et al.). My research into private university undergraduate labor organizing in four-year institutions argues that despite commonly held institutional and administrative assumptions that many undergraduate laborers are wealthy, white upper-class citizens and by virtue of their race and economic privilege do not need unions; in reality, they deserve the opportunity to form unions as much as any other employee.

The rhetorical purpose of this study is to analyze the language used to discuss undergraduates, to acknowledge the work they do as valuable. However, labor is unrepresented in the field of rhetoric, and given the times we are living in, I seek to re-ignite labor rhetoric as a field to categorize and define what employee and student mean, within this context. In this study, I examine three cases of undergraduate student labor movements at private institutions seeking union representation and recognition to show that imbued within the public cultural consciousness is the Cartesian separation of mind and body which divides the mental versus manual workers in academe. The word “employee” is not often utilized or considered concerning the private undergraduate laborer when they clean the campus, serve coffee or lunch, work the front desk at the

library or fitness center, or serve as a residential assistant in the dorms and work on-call. Often the terminology “employee” is reserved for post-graduation employment rather than positions even tangentially related to the worker's major while they work on campus. The way we discuss and describe persons pursuing undergraduate degrees precludes our understanding of them as employees and prevents us from acknowledging their labor, even if it is done outside of the academy. Therefore, each of these three cases examines how undergraduate laborers defined themselves as employees in an inclusionary way. Each argued in their own way that their university could not be exclusionary and define for them what their lives looked like. A common institutional argument is that work, and labor were two different components. Educational work was developmental and based on temporary study. Yet, work can be both labor and educational, both physically and mentally intensive. Undergraduates work because they must, and the rejection of their continual precarity results in undergraduate laborers fighting back against private enterprise and asserting their rights as employees.

Through textual analysis of legal rhetorics, this study seeks to reframe the work of undergraduate laborers to reclaim their work as valuable. *Work* has been narrowly discussed in the discipline. By examining legal rhetorics, this study does not merely talk about and reflect on work, it theorizes and analyzes the documents from work, drawing attention to the previously neglected connection between the labor of the mind and the labor of the body. By offering a view of the rhetoric that moves beyond the narrative and into the legal realm, this study attempts to revive a field that has laid dormant, introducing a new discourse of how work is talked about in the discipline.

A union is a collective effort of workers gathering to build power over their working conditions. The National Labor Relations Act ³ (NLRA) passed by Congress in 1935 legalized unions in the private sector for those deemed as employees to guarantee collective bargaining rights intended to benefit the worker, employer, and economy at large and created a board called the NLRB to rule on cases (United States Congress). The Stock Market Crash (1929) and the Great Depression that resulted (1929-1933) led to a rise in union organizing and workers enacting work actions for better wages and working conditions. Therefore, the NLRA was created to enshrine and protect rights for those working within the private sector including the right to collectively bargain and the right to strike. Collective bargaining means the opportunity to equally sit at the table with one's employer to negotiate working conditions including salary. While bargaining is guaranteed, the right to a contract is not. It is illegal and unethical to fail to bargain with a legally organized group of workers, but the law is enforced in various ways. At least thirty percent (the legal minimum) of employees must file for their election for potential union representation at the NLRB. Unions win out when at least fifty percent of members vote in favor; however, most unions seek seventy to eighty percent for maximum voice and representation of employees.

The NLRB's stance on private university organizing has evolved, but it currently operates under the 2016 *Columbia* decision. This ruling stipulates that the bargaining unit of teaching and graduate assistants were statutory employees including graduate students

³ Prior to the NLRA and Wagner, The National Industrial Recovery Act of 1933 (NIRA) was passed looking to promote economic rehabilitation but was later ruled unconstitutional.

(both Ph.D. and terminal master's degrees) and undergraduate students specifically under Section 2(3) of the NLRA. The NLRA states an employee is broadly classified as one who performs work at the university under supervision for which they received compensation. This ruling ushered in the legalization of undergraduate employees to unionize by striking down the core argument that because the university had an educational mission, they could not also be an employer. According to *Columbia*, collective bargaining was permitted for student employees to promote commerce and their dual existences did not cancel each other out: "Statutory coverage is permitted by virtue of an employment relationship; it is not foreclosed by the existence of some other, additional relationship that the Act does not reach" (NLRB). The new change of circumstances for undergraduate employees follows the *Black's Law* definition of employee, "A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed" (Black 525). Before this decision, undergraduates organized outside of legal spaces and often within student organizations, due to their status within the labor underclass. *Columbia* upheld the precedent that graduate students could also be employees and extended it to undergraduates as well under the master and servant relationship established in the *New York* decision (3). In *Columbia*, the board cited the failure of the previous board members of 2004-2016 who prevented workers from seeking negotiations on wage and working conditions, known as collective bargaining, and had thereby, "deprived an entire category of laborers of the protections of the Act without a convincing justification" ("Board:

Student Assistants Covered by the NLRA"). While initially created for employee protections, unionization of skilled workers divided the cognitive from the physical even further, separating the mind from the body, forgetting domestic and farm workers entirely, labeling workers of color as unskilled. According to Juan F. Perea's legal reading of the Congressional testimony, the dichotomy of master and servant was the legal decision for whites. The dichotomy of master and slave was the legal decision for people of color, echoing slavery. Passage of the NLRA was another example of how labor in the United States still has limitations.

The NLRA does not discuss race, class, or gender. The discussion of the gendered and racialized perspectives within labor is an important foregrounding for examining the implications of undergraduate labor organizing. The NLRA delineated which laborers were skilled and which were unskilled by placing their oppressive notions about race, class, and gender onto these workers. Overall, the law placed higher value on white labor, defined by white masculinity, placing Black⁴ labor on a lower tier. According to Perea, discrimination was written into the law, and it should be ruled unconstitutional; however, the intent is impossible to prove (24). According to *Black's Law*, "Servant is synonymous with employee" (Black 525). Despite the shifting categorizations of race, the definition within *Black's Law* is situated within the race science perspective implicitly based on separation: "An ethnical stock; a great division of mankind having in common certain distinguishing physical peculiarities constituting a comprehensive class appearing to be

⁴ Both black and African American are used for linguistic variation.

derived from a distinct primitive source” (Black 525). By separately classifying agricultural and domestic workers, the meaning was clear: Black, and brown workers did not deserve federal protections for employee unions. Their labor was historically devalued and debased on gendered and racialized lines (Perea 2). With the New Deal, Congress sought to maintain the status quo of Jim and Jane Crow laws, and workers of color became the sacrifice Southern Democrats were willing to give up in passing the NLRA (Perea 7). Not only does this act exclude workers from union representation, but the Social Security Act (SSA) also prevents domestic and agricultural workers from gaining retirement funds (Perea 11). The American Federation of Labor (AFL) opposed any statement on race including a non-discrimination act because it would have prevented them from maintaining white supremacy (Perea 21). Without federal protection, workers of color could be oppressed and placed within opposition to white workers as unskilled laborers who did not have the intellectual capacity to engage in higher-level work and, therefore, did not need collective bargaining or unions.

Race is a socially constructed term ascribed to persons of color as a natural characteristic. Racism assigns a group of people derogatory attributes based on national or ethnic origin; it is often used to justify unequal treatment due to these different attributes. Michael Omi and Howard Winant’s definition of racial formation in *Racial Formation in the United States* foregrounds the discussion by claiming that race is determined by other processes which are cultural, social, economic, and political, all of which determined the categories and meanings at the time (60, 61). Race, then, is a fluctuating term and often has a coded function within the law rather than being explicitly

addressed in the actual phrasing. In this case, undergraduate students within the law and the university are coded as white males who do not need to work. As this study will show, student employees have vastly different social locations and cannot be condensed into a singular exclusionary definition. Furthermore, Omi and Winant's definition of racialization espouses the problem with defining race in the legal framework (60, 61). Racialization is an ascribing of racial traits of understanding onto a group that may not be composed exclusively of that race; however, over time, that entire group is treated differently based on the social perception. American society itself is racialized, and limits access to material conditions, educational advancement, and subsequently power to those who are racialized as non-white males. Throughout history, meaning ascribed to certain races changes; therefore, the concept of racialization "the extension of racial meaning to a previously racially unclassified relationship, social practice or group" is in flux (Omi and Winant 111). As Perea argues, the language regarding people of color in the NLRA was coded as race-neutral (1-2). Omi and Winant's work "By the Rivers of Babylon: Race in the United States" introduced the idea that race and class are intertwined, and race could not be removed from the discussion (as Marx predicted) in favor of class. Racism shaped the working-class consciousness and new racism became language-neutral, characterized by economic rather than social determinants:

Racial categories create political subjects. One is not merely a worker, one is also white; one is not only Chicano, one is equally a worker. In the history of the United States, race has not merely been an impediment to the development of working-class consciousnesses. It has also shaped it. The concept of race and

class as relationships shaped by political projects is crucial to the understanding the historical development of American politics and political discourse. (Omi and Winant 236)

In this case, racism against workers of color was embedded within the legal systems and replicated within union practices. Union hiring halls, too, coded skilled labor as white labor and cannot be absolved or excused of racism, either. *White* is a shifting category, and during the massive uptick of black workers relocating into cities seeking employment, the notion of whiteness was starting to change.

During that time, positions became tiered into skilled white labor and unskilled non-union Black labor. However, according to Lisa Phillips in *A Renegade Union*, Local 65 was a union that operated based on organizing low-wage workers by integrating both Black and white labor positions, which was not always practiced between the 1930s-1960s (35). The union itself folded because it did not integrate labor organizers of color at the center of local organizing power, which remained with white male presidents (Phillips 11). Overwhelmingly, barring several noted exceptions, historically, labor unions coded skilled labor as white. Therefore, it is important to remember that in examining undergraduate union activist movements we cannot forget the employee title is a privilege that is still both gendered and racialized.

The struggle for undergraduate laborers to be heard is not new. Before Black women were allowed into unions, and before the NLRB existed, Black women workers through the National Association of Wage Earners (NAWE) petitioned for a universal strike for floor-to-ceiling unions on a national level. The president and founder, Nannie

Helen Burroughs (1879-1961), organized across all class and legal distinctions, and was an inspiration for this movement, as well as my own study research. Burroughs' life was complex, and her activist actions and accomplishments were often interwoven with her Baptist faith.⁵ Burroughs founded the National Training School (NTS) in 1909 and NAWE—the first black women's labor union of the twentieth century that fought for national labor legislation—in 1921. Education through combined industrial and classical formats was about empowerment and freedom.⁶ For example, Miss Florence Warfield, a member of the NAWE, was an undergraduate laborer at the historically Black teaching institute, Storer College,⁷ which was expressly formed to teach children of slaves (Membership card from Miss Florence Warfield). Overall, Black women organizers such as Burroughs were trying to unionize undergraduate laborers even as early as the 1920s.⁸ As Sandra Robinson argued, Burroughs rhetorically fashioned herself through marketing her public image. She advocated the innate morality within Black women and girls and stepped out of the standards of decorum of the time to take a stand against injustice (Robinson 130-131). Scholars such as Kelisha Graves have attempted to revive

⁵ For a discussion of the role of Burroughs within the Baptist community, review *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920*, by Evelyn Brooks Higginbotham. This work is not intended to cover the entirety of Burroughs's career.

⁶ W.E.B. Dubois' conception of the Talented Tenth ideal was rooted within eugenics politics of educating only the "good" ten percent of African Americans. He promoted birth control as a method to prevent the "wrong" people from having children and polluting the race.

⁷ The Roots of Storer College were based within religion the Baptist faith, black liberation from unwaged labor and relationship with the abolitionist and proto-Communist, John Brown.

⁸ Burroughs famously argued the exclusion of domestic workers from the SSA was a violent act, which labeled domestics "mudsills of the new social order" (9).

awareness of Burroughs' role as a Black intellectual because Burroughs is generally viewed only in the context of a Black churchwoman and teacher. As this study argues within the spirit of Nannie Helen Burroughs, intellectual thought is driven by both body and mind; one cannot have vocational training without cognitive understanding.

Embodying the knowledge of her ancestors, both her mother and grandmother, who were domestic workers, Burroughs saw that labor waged or unwaged was still labor, which is why she included many members of her union who were either students, housewives, or unemployed.

Next, this analysis considers the nuances of student and employee labor law including undergraduate, graduate, private, public, and community college. Graduate labor is classified under the same ruling; all student employees thus are workers, regardless of their beginner or advanced status within the university. As the university continues to grow more corporatized,⁹ the cost of education and student debt rises, and education is seen as an investment in the long term for short-term hardship at any level, unions for lower-wage workers grow. Historically speaking, the University of Wisconsin-Madison's (UW) Teaching Assistants' Association (TAA) is one of the oldest and most

⁹ R. Rhoades and G. Rhoades argued within their 2005 article, "Graduate Employee Unionization as Symbol of and Challenge to the Corporatization of U.S. Research Universities" that the connections between graduate students' unionization and the corporate university is the result of the inherent limiting of resources among a substantial number of humanities workers who are providing capital and research for the global neoliberal research university. Workers within the corporatized university feel distanced from supervisors and the profession (i.e. less like persons and more like profits) and seek solidarity. Similarly, Sean Rogers argues in "Effects of Unionization on Graduate Student Employees: Faculty-Student Relations, Academic Freedom, and Pay" that graduate unionists are workers, students, producers of knowledge and consumers (271). Their study focused on public institutions and only encompassed one private graduate union movement at New York University which is the legal precedent for graduate employee unionization. Rogers found unions amongst graduate employees had better pay, collegiate support and it had no effect on academic freedom (504, 506). As private undergraduate and graduate employee unions grow, more studies are needed.

radical university unionization efforts, spawning from anti-war demonstrations in 1966, gaining collective bargaining rights from the state in 1985 only to lose them in 2011 (TAA, Slosarski 259). In layperson's terms, despite alternating wins and losses, TAA has maintained itself as a coherent entity. Undergraduate laborers at private universities use TAA as an example because of their rhetorical contestations of the term employee; with or without legal protections, they consider themselves workers.

When the work is on campus and the institution is private, the definition of an employee between the two parties becomes contested. Each state has different laws regarding public organizing. Often, when the state defines one as a worker, it is easier to organize. California has its version of the NLRB governing state labor relations--hence, the larger amount of unionization efforts within the state. The NLRB protections for private-sector workers are often stronger and more rigorous than those of states, with California as the exception. The University of California System (UC) has the largest number of undergraduate laborers. According to A.S. Living History Project, UC also began organizing in the 1960s, finally achieving recognition in 1999 after striking and gaining legal recognition from the public and state level (Woo). While the NLRB governs private employees, California passed the Higher Education Employer-Employee Relations Act of 1979 creating the Public Employment Relations Board (PERB) and granting collective bargaining rights to all employees at public institutions (California State Legislature).

The first private university union which gained recognition was the Graduate Student Organizing Committee (GSOC) at New York University. According to

“Graduate Student Unions: Organizing in a Changed Academic Economy” private graduate workers were acknowledged in 2001, following a lengthy and arduous battle in which the university was compelled to concede that the laborers' employment was not merely an enrichment activity for their degree (Lafer 25). One of the major takeaways from the NYU campaign was the need to involve undergraduate allies in a more active level with strong resources rather than just counting on their unearned support per *Steal This University* (Cornell 175, 179). What both TAA and GSOC have in common is they consistently maintained, despite the political climate, that they were employees and fought for their status both in the courts and the streets.

Additionally, germane to the discussion of private undergraduate laborers, is work on community college laborers because they share similar themes of upward social mobility and financial need. However, the one major difference is that students at community colleges labor outside of campus while private undergraduate laborers work on campus. By working within the low-paid service community while attending school and extending time to degree, community college laborers are reproducing the same class structure off-campus that they seek deliverance from. Stuart Tannock and Sara Flocks' study of undergraduate laborers at community colleges displays the constant cycle of school and work. They recommend that not only should unionizing, political organizing, and campaigning for free or reduced tuition be encouraged, but coalitions across employment positions also need to be championed (Tannock and Flocks 21-24). The job options available to college students are often menial and fail to offer undergraduates the experience needed in the workforce post-graduation. This system is repeated with

undergraduate laborers at private universities through full-time study and on-campus work ranging from twenty to forty hours weekly.

Inventing the University Laborer: A Rhetorical Analysis

Student employees are a largely invisible workforce who require scholarly and rhetorical attention because the expectation is that once students attend college, they will be on the pathway towards entering the middle class. Therefore, based on my perception of gaps in scholarly literature, the circumstances of private undergraduate laborers appear to be a neglected area of research. Based upon this, I am filling this gap by examining the rhetoric being created by these employees through the legal measures they choose through the NLRB and the case results. I intend to follow the analytical frame for this emerging labor rhetoric discourse to bring together disparate threads to show commonalities, differences, and lessons learned. I have framed this study around the following question(s): Who is an employee and how is the term employee rhetorically constructed? How is the definition of employee contested in an exclusionary way by the universities and what rhetorical strategies do they use to reinforce that definition? How is the figure of employee inclusionary within the unions and how do their rhetorical strategies differ from that of the university? To answer my research questions, I pull from existing literature that examines the rhetoric of private undergraduate laborers. I will collect my data through the library, enacting methodological pluralism through a close reading of NLRB case files which include documents, letters, notices, requests, and secondary labor sources, in conversation with scholarship situated within Black feminist thought. Based on my data analysis, seeing how undergraduate laborers define

themselves in an inclusionary form aims to improve social-justice education and praxis by showing an area of labor rhetoric that is hidden from our common viewpoints. This work will lead to an understanding of how intersectional consciousness is formed within the university. Specifically, in drawing attention to the Black feminist knowledge, I am making visible what has been invisible.

Despite its commitment to emancipating all workers and reshaping unjust systems, Black feminism is sometimes neglected or misunderstood within legal communities of interest. Kimberle Crenshaw, an academic and legal researcher, pioneered the intersectional paradigm by examining three independent but linked incidents of discrimination against Black women employees in the legal industry in “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics: *DeGraffenreid v. General Motors*, *Moore v. Hughes Helicopter, Inc.*, and *Payne v. Travenol*.” Crenshaw’s critique is that these three legal cases only investigate discrimination based on sex and not the interrelated sexual, racial, and other vectors which contribute to Black women’s status as employees. As Crenshaw maintains:

Looking at historical and contemporary issues in both the feminist and the civil rights communities, one can find ample evidence of how both communities’ acceptance of the dominant framework of discrimination has hindered the development of an adequate theory and praxis to address problems of intersectionality. This adoption of a single-issue framework for discrimination not only marginalizes Black women within the very movements that claim them as

part of their constituency, but it also makes the elusive goal of ending racism and patriarchy even more difficult to attain. (152)

Crenshaw's work remains a polemical one today, but it only discussed one sub-set of workers, those who already have the legal title of employee. Black feminist thought contributes to my argument by allowing for a legal reading of student labor as the language of the unseen. Crenshaw's theory emerged from the legal claim of Black women as employees deserving of that status; her theory-building emerged from legal practice. White privilege was inscribed within the legal system from the start and allowed for whites to have the title of both employee and citizen based on their membership to the legal community of interest and allowing them more access to power. Crenshaw examined the intersecting vectors of oppression and privilege, engaging with more than gender alone, and she made apparent how these vectors were cultivated, interpreted, and knitted into our legal system. Not only is the phrase *employee* associated with white maleness, but so is the term *student*. The term student is based on and centered within the white maleness of the gentlemen scholar pitting mind against body, this Cartesian division is gendered, homophobic, racist, and ableist.

When universities were founded, they admitted only able-bodied white men. Although, overall, college demographics have changed, the concept of equal education for all is still rhetorically gatekept. As Melissa Stein argues in *Measuring Manhood*, these biases were written into the cultural script of the nineteenth century and still show up today, such as when both Rutgers and Harvard University presidents made public gaffes about the ineffectiveness of women and people of color in college due to their biology

(1). This form of race science was embedded within the university which defined the racial difference as biological (Stein 4). The concept of citizenship is centered within the idea that a white elite man is the only one who is eligible due to a supposed biological superiority, a concept based on the fallacious theory of race science (Stein 13). Stein argues that the categorization of race and gender as biologically determined began within private universities.

Under this model of education, white women could stay at home and reproduce, and people of color could remain in labor positions deemed unskilled. While race science went out of favor after World War II and the horrors of Nazism, the quest for the ideal citizen still often has a default category. Race science is intertwined with eugenics due to its quest for perfection and perfection is a white male, an able-bodied patriarch. As Michael Berube makes clear in “Disability, Democracy, and the New Genetics” the presence of disabled persons is essential to democracy. Therefore, disability awareness and justice are crucial in maintaining employment and workplace democracy. Biology as serendipitous based on the normal versus abnormal categorizations was used to classify those entering Ellis Island. There has been truly little attention to disabled workers in research on undergraduate laborers in general. Further research must be done to elicit how disability awareness can help or hinder student activist work given the Education Department’s recent action under the direction of President Joe Biden to discharge student loan debt for those who have permanent disabilities.

Skilled labor was promoted for white males who needed to attend university post-Civil War to keep up with the changing technology, maintain white supremacy, and

withhold citizenship and knowledge from both women and people of color. As Andrew Delbanco stated in *College: What It Was, Is, and Should Be* when the Morrill Land Grant Act of 1862 was passed it intended to create public universities from these land grants to build agricultural and mechanical skills, not to promote liberal arts (22). As Stephen Rice argues in *Minding the Machine*, manual labor colleges are the ancestors of the land grant universities in the 1820s because the assumption was made that education and learning feminized men too much, and a balance of both to aid ministers in their eventual mission work was needed for hygienic purposes (84, 99). The ideal goal was for men to grow to respect working, leading to a greater understanding of the value of both the physical and cognitive. While the initial recommendation was three hours, this was not feasible and students often worked and labored full days (“Manual labor with study, Lane Theological Seminary, Cincinnati”). The result was that workers attended school to fund education and did not see obvious benefits due to countless hours of unskilled toil.

Mike Rose eloquently argues in *The Mind at Work* that the Western bifurcation of body versus mind is based on assumptions that we make about a person’s intelligence concerning the work they perform for capital, or to eventually gain capital. Rose concludes that physical labor has a mental approach: “Though such activity becomes routine with experience, it was at some point learned through observation, trial and error, and, often, physical or verbal assistance from another. Such learning involves various cognitive processes, not the least of which is the learner’s self-observation and consequent modification of movement” (198). As Becky Thompson argues in *Teaching with Tenderness*, the Cartesian split between the laborer’s mind and the laborer’s body is

the dominating force behind the university and academic life (64). For example, the structure that university education brings to those who were raised in households of domestic and family violence promises a vocation and relief from any connection with the body (Thompson 67). The intention to enter a university is an intention to leave the body, enter the sphere of the mind and leave the factory floor, to divorce from a working-class background entirely and enter a sublime headspace of privileged dialogue.

Current job categories of skilled versus unskilled emphasize these dichotomies even today. Rose, in “Two Lives,” juxtaposes his uncle, a white man who labored in the railroad and auto industries, with an interviewee named Lisa, a Black woman welder who combats racial and gendered stereotypes by her mere presence in a vocational (often unionized) field often run by white men. While his prose occasionally racializes Lisa’s success due to “affirmative action,” it does succeed within showing how the role of learning a trade can both be physical and intellectual (Rose 117). Lisa’s open discussion about how busy work and sexist and racist slurs were consistently thrown at her shows that the stereotypes about Black women’s presence within vocational fields still abound. As Rose argues through his narration, Lisa develops skills in both advanced welding technology and becomes both a professional welder and full-time professor at a community college, challenging these narrow boundaries showing the complexity and tenacity of the human mind and spirit (127). The idea that Black women were only suited for “lesser” and unskilled roles dominates these binary categorizations between practical and intellectual work situated within this false biological science. Within the labor

movements both race and gender overlap and impact both Lisa's identity and relationship to power in ways that may not be true for white women working as welders.

Timeline and Introduction

To elucidate why the legal considerations in private university organizing are so difficult to parse, let us examine their inception. With the creation of the NLRB through the passing of the Wagner Act, the term employee became a legal precedent and has been maintained for nearly ninety years. It is a definition that has been contested in this context and many others and is therefore central to this discussion. The NLRA spends a detailed amount of time stating what an employee is not ¹⁰ The NLRA never discusses race, the noted exclusion of agricultural and domestic is coded language for Black and brown workers (Perea 17). The disputed area between student employee and employer is within Section 2 (3) of the NLRA. An employee, therefore, is not: an agricultural worker, domestic worker, a care worker such as a spouse or parent, independent contractor, ¹¹ supervisor or employee under the Railway Labor Act ¹² of 1926. A previously employed

¹⁰ "The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act [this subchapter] explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act [45 U.S.C. § 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined" (NLRA, 1935).

¹¹ Newsboys were struck down as independent contractors in the Hearst case (1944), enshrined into law through the Taft Hartley Act (NLRB, 1944).

¹² The RLA manages labor relations between transportation industries such as airlines and railroads. The goal of this act is to establish justice for everyone and prevent repeat misunderstandings with the objective of maintaining trade under the Railway Labor Act (United States, Congress), providing employees greater power to both negotiate and strike. The RLA will be discussed in depth within Chapter Five.

person can be considered an “employee” again if they are involved within a labor claim or dispute due to unfair treatment. All those who fall outside of that definition are considered employees. Within Section 1(1) employees and their rights to organize, collective bargain, and engage in free-choice are tied together.¹³ In Section 2(2), an employer is defined as anyone who is an agent of the organization save the government, bank, or state.¹⁴ All those who fall within that definition are considered employers. Twelve years after the NLRB was created, the Taft Hartley Act passed. The goal was to diminish private-sector unions by obstructing their collective identity and eliminating the coalitions that were built between workers through different communities of interest. A community of interest is defined by the NLRB as a classification of employees within a bargaining unit. Through federally outlawing both wildcat ¹⁵ and solidarity strikes, it became increasingly difficult for workers in different classes to support each other. For example, when the graduate employees at the University of Illinois at Chicago were on strike, professors at the same university in a different union uncomfortably crossed the picket line to enter their offices because they could be legally terminated if they didn’t.

¹³ “The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce” (“NLRA”).

¹⁴ “The term “employer” includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any person subject to the Railway Labor Act [45 U.S.C. § 151 et seq.], as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization” (“NLRA”).

¹⁵ A decision to strike from the bottom up rather than the top down.

Returning to Taft Hartley, it also permitted states to enact right-to-work policies, allowing an employee to benefit from a union's protection and contract benefits at a worksite, but to opt-out of participation as a member. This means that the input, responsibilities, and dues associated with, and required for, the collective actions of the group are more difficult to cohesively maintain. The Supreme Court ruled in the Janus decision of 2016 effectively ending fair share due payments for unions throughout the country (United States Supreme Court, 2016). Fair share, also known as closed shop, is a concept in which anyone in the bargaining unit is assumed to benefit from union activities and is required to pay a nominal fee to support those activities, even if they are not a union member.

Being in a right-to-work state, a state that does not require union membership as a condition of employment, does not mean unions are illegal. However, right to work makes unions difficult to maintain because members can break rank or choose not to pay dues at any point with impunity, which has a corrosive effect on solidarity and collective power. For example, Iowa, where Grinnell College is located, is a right-to-work state and the union density is 6.6% percent. Illinois, where University of Chicago is located, is at will with a union density of 14% percent (United States Bureau of Labor Statistics). In Washington D.C., where George Washington University is located, there are a moderate number of unionized workers, approximately 8.6% (United States Bureau of Labor Statistics). However, as a metropolitan area, they are bordered by both a right to work state, Virginia, and Maryland, an at-will state. For example, Virginia's union density is 4.4% and Maryland's is 13% (United States Bureau of Labor Statistics). What this means

is that right-to-work laws do negatively affect union membership because workers do not have the motivation to join and maintain membership if employees can drop out at random and still benefit from the results of their labors.

Under the NLRA, the rights of private employees are preserved, creating collective bargaining as a precedent in the United States. Everyone in the USA deemed employees have the same unionization rights, regardless of status. According to the United States Board of Labor Statistics, the average hourly wage in 2019 for dining workers, such as the undergraduate laborers at Grinnell College, is \$11.28 (United States Department of Labor). Comparatively graduate laborers within three categories: teaching, research, and other unlisted job titles, make \$36,560 as a yearly salary (United States Department of Labor). Overall, each of these two separate groups falls under *Columbia* and is building collective solidarity within undergraduate and graduate employee unionization efforts. Yet, precedent continues to shift. Next, this work examines relevant NLRB precedents and federal laws, before beginning the discussion of the rhetoric of employees at private institutions.

Originally citing their lack of jurisdiction over private undergraduate unionization in *Columbia Trustees* in 1951, the NLRB reversed course (NLRB, 1951). Nineteen years later, they ruled in *Cornell* that due to the dual educational and fiscal status of non-profit universities, they had jurisdiction over their laborers (NLRB). Traditional university attendance was changing and with the advent of work-study, loans, and other opportunities were enabling low-income students (including women, people of color, and LGBTQ people) to attend school. The reality was that the university system was

becoming less hegemonically male-dominated. In 1972's *Adelphi*, they ruled that faculty¹⁶ and graduate laborers were not in the same community of interest, and therefore could not collectively bargain together (NLRB, 1972). The student role took precedence over their faculty role. They were neither faculty nor students, these laborers occupied a "middle space" where they had no rights to faculty privileges, yet taught courses and graded papers. As William A. Hebert and Joseph Naald point out in "A Different Set of Rules? NLRB Proposed Rule Making and Student Worker Unionization Rights," this decision had no bearing on their status as employees, it only was based on their role within the same community of interest as faculty (8). Private university organizing was impossible for years.

The Yale grade strike of 1995 by an estimated one hundred to two hundred workers of the Graduate Employee Student Organization (GESO), categorically upended the years of complacency among private graduate employee organizing. First organizing the Yale staff and then the graduate employees, Hotel Employees and Restaurant Employees Union (HERE) has a long history at the institution. In the Fall of 1995 graduate workers, without federal protections of any kind, withheld final grades in January, eventually going forward in front of the NLRB to defend their case to force the NLRB to review their status as employees. According to the collection *The University against Itself*, Yale University chose the polarizing Proskauer Rose, a commonly used union avoidance law firm, to represent them at the NLRB. There were many pitfalls to

¹⁶ The *Yeshiva* decision of 1980 continued to chip away at private university faculty unions ruling that tenure track faculty members at private universities are managers and their job status prevents them from unionizing.

the Yale grade strike including limited faculty support (Krause 7), lack of AAUP support (Nelson 250), and negative press attention due to the damage to Yale's reputation and potential alumni donations (Lafter 240). As Thomas Discenna writes in "The Rhetoric of Graduate Employee Unionization: Critical Rhetoric and the Yale Grade Strike" the philosophical implications of the gentlemen scholar ideal go even deeper within prestigious universities. Apprenticeship is the most common phrase used to describe this discourse of academic professionalism (Discenna 24). Graduate employees in their attempts to take broad-based labor actions found themselves divided between the life of the mind versus the laborer perspective. They criticized the institution's attempts to alter teaching into a consumer-based process through the institution's employment of both graduate employees and adjuncts and invoked their rhetoric of professionalism in response to the shrinking job market (Discenna 31). Drawing comparisons and attention between graduate workers and the adjunct plight is a useful exercise in solidarity, yet the demonization of precarious workers as a scare tactic was unsuccessful rhetorically for Yale graduate employees. Invoking the conception of academic labor (and all university labor) as work to denounce the apprenticeship argument would link these two material implications together.

In 1999, the NLRB concluded in *Yale* that the grade strike was not a protected labor action, but it also ruled against Yale, claiming that the faculty had infringed on their freedom to organize. Due to NLRB's limitations, they specifically were unable to protect the graduate workers' actions, even though the graduate workers were assumed to be employees (NLRB, 1999). Yale promised to protect free speech; however, they still do

not have a single unified union.¹⁷ *New York*¹⁸ made a decision in 2001, ruling that private university laborers were employees.¹⁹ The petition expressed concern with the quality of the education received by undergraduates, rather than the need for undergraduates to also be represented by a union. The NYU petition only included employees on the graduate level, “While the petition only includes graduate tutors and graders, both graduate and undergraduate students receive such assignments, generally on a nonrecurring basis, with appointments lasting from 1 week to one semester” (NLRB, 2001). The subsequent *Brown* decision in 2004 effectively overturned the ruling in a decision stating that graduate employees labored as part of their studies, and not as employees protected by labor law (NLRB, 2004). Within this timeline, several private university graduates sought union representation and collective bargaining. As Krause et al. indicate in *The University Against Itself* NYU was the first and only one to file and win an election before the reversal, gaining union recognition in 2001 after a three-year battle with administration (117). *The University against Itself* claims the institution

¹⁷ The collective bargaining representative is no longer HERE, it is Union of Needle trades, Industrial, and Textile Employees (UNITE) and Hotel Employees and Restaurant Employees Union (HERE) or colloquially referred to as UNITE HERE.

¹⁸ *New York* counted private university laborers under Section 2(3) as employees: “The term “employee” shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act [this subchapter] explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act [45 U.S.C. § 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined (Decisions of the National Relations Board 1205; “NLRA”).

¹⁹ *Boston Medical Center Corp.* (1999) which ruled interns, residents and fellows were employees is an important precedent.

offered two arguments: firstly, private university laborers were not employees and secondly if there was a union, they would not be able to punish the activists for acting on their free speech rights (Lafter 31, 34).

In 2005, GSOC became the first private university laborers to go on strike after their contract expired and the membership voted down NYU's last, best, and final offer.

²⁰ Without the protection of the forensic rhetoric of employment, the workers went on strike for seven months, ending in a stalemate (Krause et al. 1). The lessons learned from the NYU strike range from maintaining and supporting undergraduate allied activist growth and leadership (Cornell 185), laws as an aid but not a crutch (Krause and Palm 226), and faculty and local solidarity (Nelson 254, 255). In 2013, after fifteen years of organizing a public pressure campaign of social bargaining, GSOC held an election through a different institution, the American Arbitrators Association (AAA), and was recognized a second time by NYU through the power of their mobilization. "A Different Set of Rules? NLRB Proposed Rule Making and Student Worker Unionization Rights" claims *Brown* was still in effect and NLRB elections were not legally recognized at the time (Herbert and Naald 10). Acting as an employee, even when the definition is not legally extended, alongside the necessity to build deep community roots, are the core takeaways for organizers from this historical moment. These are important because legal recognition, while crucial to movement building, is not the only way to win power.

Following the discussion of these major themes within private university unionization,

²⁰ A legal foundation for the employer to impose terms and conditions on the unions if they are unable to reach an agreement prior to an impasse. Often the measure triggers position of terms or impasse which leads to a strike.

the work will transition into rhetorical theory through discussing terms and theories within this topic.

An employee works for payment under the supervision and direction of another at a specified location. They sell their labor for a profit, often due to economic need, and do not subsist on inherited wealth. Therefore, an employee produces and generates profit for their employer. Classical western rhetoric, the art of speaking and writing effectively, namely the art of persuasion, represented a danger to the *politeia* of Greece aristocracy beginning in the fifth century BCE. No longer could members of the elite who subsisted on inherited wealth have uncontested rule over the rest of *polis*. Instead, one merely had to pay someone to teach them to speak well and achieve the upward mobility necessary for success. Historically, when Tisias engaged Corax as an instructor, he cleverly avoided paying him and cited the winning of his first lawsuit as the timing of said payment. Tisias failed to come to court and Corax subsequently sued him. Either way, Tisias would have to pay Corax if he won or if he lost. The financial aspects of paying someone to educate them were most poisonous to the Greek aristocracy. Capital, something that should be inherited, could pay anyone to join society was rife for turmoil and overturning the entire political system. The art of how truth is perceived within the courtroom is still relevant. Each case study utilizes the NLRB, the equivalent of a labor union court to prove their case for unionization. Therefore, forensic rhetoric poses a danger to these hierarchical systems.

Kenneth Burke introduced the social concepts of identification and consubstantiation to persuasion. Applying a Burkean framework, workers can come to

agreements, even from separate places. These three studies all represent employees' issues—a conscious challenge to the existing hierarchical order using the rhetoric of inclusion to redefine their role within the order. Burke's major theories based on identification and consubstantiality allowed for a meeting of the minds halfway between creating symbols of a social mechanism and enacting them within a dialogue. While Burke composed this work during a height of male major knowledge creation and domination within the field of rhetoric, it is still important to note that men in power were still willing to engage within a dialogue. Rhetoric is purely a social field because each participant within a conversation has a narrative and a way of viewing themselves and their story. More importantly, Burke was an avowed Marxist until his famous expulsion after he proclaimed all workers as "people." Yet, the invocation of his theory is still present. In his view, work had to be ethical, and workers and owners needed to work together in the spirit of cooperation to prevent conflict and warfare (Giamo).

Burke's terministic screen is the core invocation of his theory; people have certain ways of screening their circumstances which translates into their worldview. Language is filtered through one's perception, images strike to support or extend one's beliefs and therefore are interpreted into movement. Therefore, language is social, and yet the action and praxis they induce are part of our core social fabric, indeed, "shaping of human relations" (Burke 341). Hence, speech constructs meaning, and enables us to see the prevailing conditions in the academy. If Burke's terministic screen is how humanity distinguishes language, clearly, the definition of "employee" is contested between the laborers and university. The laborers seek to cooperate with their management and create

unions to prevent conflict through seeking recognition. Yet, instead, universities are refusing and the war in the court's wages on. As Burke maintains within "Definition of Man" man created symbols, began the negative, separated from nature, required hierarchy, and constantly sought the idea. When we seek perfection, we reduce language to simple principles (507). Consequently, everyone has an image of the definition of a particular word. While Burke maintains laws are essentially negative, they can be positive too when they create meanings for rhetorical communities such as undergraduate laborers. In this case, the university and the undergraduate laborers engage within a rhetorical contestation between the definition of the term employee.

In each of these three cases, I shall analyze how undergraduate worker organizing based on the definition of employee has shaped human relationships and understandings of who is allowed to benefit from the full protection of the law and who is not. When it comes to the rhetoric behind the term employee, there is no third term within this disagreement. If each participant can meet halfway, identify with the other and become consubstantial, then the inability for consubstantiality to occur continues to lead to this rhetorical disagreement about the nature of the definition of employee in respect to undergraduate laborers. Identification cannot occur because the core substance is a belief that the student comes from a background that would not require them to need work, even though overwhelmingly many national college students are employed, laborers. The language choice of the NLRB is employee, and the institutions fail to see the undergraduates as employees performing valuable labor. While the undergraduate laborers seek to widen the circumference of their union, the university seeks to lessen and

eventually eliminate the effort.

University employers and employees consider the definition of “employee” differently. The positions are hierarchical and created for order. James Jasinski summarizes Burke within *Sourcebook on Rhetoric*, writing that Burke’s perspective on definitions is that the terms themselves are made and not born, they are always in-flux, and other audiences may filter perspectives through different lenses of their symbols for terminologies (155). Identification over persuasion through seeking common ground relationally can persuade another human to accept an argument, beyond their words. Consubstantiality occurs when identification has been achieved. Yet, each party is unable to find and agree on their “third term” where each can filter belief through their terministic screen. Employers define their students as scholars and not employees and cannot (or refuse to see) beyond the gentlemen scholar concept. Employees see themselves with interconnected identities as both students and employees and name their working conditions what they are: labor that deserves fair compensation and protection. Because we are paying attention to the divergent definition of an employee between two parties, the conversation must change. Going beyond Burke enables us to see the conditions in the field that make the topic of undergraduate labor impossible to consider to the employer, the university. No longer can the master’s tools and epistemologies consider these rhetorical blank spaces (desconocimientos ²¹) between the institution’s

²¹ According to Keating’s presuppositions educational institutions are laced in eurocentric bias accentuating division and oppression. All of us have “blank spaces” desconocimientos (Anzaldúa), within our learning and understanding.

definition of employee and the laborers and our binary definitions of success and failure and divide and conquer.

The rhetoric of undergraduate employees requires a holistic view of inclusivity and fierce articulation of one's own humanity. As Audre Lorde states in *Sister Outsider*, "In our world, divide and conquer must become define and empower" (112). Difference has been used as a tool of oppression. Instead through inclusion, it can be utilized as a tool of empowerment. Lorde's major theories rest within the need for visibility of gender, race, sexuality, class within the academy, and the exclusion, marginalization, and complicity of the academic system. These concepts do not prevent a person from achieving mobility and making a recognized contribution to the world. It only makes it more difficult. Overall, no person should be required to define and educate others about their experiences in a dominator culture. These unacknowledged differences steal our energy that should be best spent uniting. While survival is not an academic skill or trade, the workers who have been silently trudging through this dual shift of employment and class require further critical attention. Similarly, Lorde's now-canonical text of Black feminist theory, "Transforming Silence into Action" delivered at Modern Language Association in 1978 claimed that silence was no longer an option for women of color activists who labored under these languages and definitions for eons (40). Without action, there is no change, without the courts and the law, we have no society, yet when the laws are manipulated into the prevailing systems of powers' best interest, it is our calling to fight for justice for all workers.

It is no surprise that one of the largest corporate campaigns of note post-Taft Hartley was operated by a majority led group of Black women workers who conceived of themselves as both employees and community members with a capitalist society. Ray Rogers and the Amalgamated Clothing and Textile Workers Union employed this method and while Rogers is credited with the development of the idea of corporate pressure campaigns, it is mostly Black women who labored for five years to gain a fair contract. A corporate pressure campaign based on social bargaining enables workers to act by using tactics that make it more painful for a business to resist the change than acquiesce to the workers' demands. Jeremy Brecher argues in his working-class history of massive mobilizations in *Strike* that the power to change is in the hands of average people and not the radicals; in this case, the majority of average Black women who exercised their power against J.P. Stevens, their employer, and textile company (307, 308). Despite joining with political and community organizations to engage in letter writing and public pressure, it was the focus of withdrawal of capital from businesses associated with J.P. Stevens, which led to a resolution of their demands (Brecher 253). Massive amounts of funds were removed from companies who were in league with J.P. Stevens, and after five years the union was finally accepted. Black women's knowledge and awareness of their value as workers operate as a central gendered critique against the standard model of union organizing based merely on strikes and collective actions. Even as early as the 1920s, Nannie Helen Burroughs was advocating for union rights, voting rights, and boycotts white-owned ed businesses which enacted discriminatory policies against Black workers. This position was later famously taken up by Burroughs' protege in civil rights work,

Martin Luther King Jr. He credited A. Phillip Randolph, part of the AFL-CIO board, for not only establishing the Brotherhood of Sleeping Car Porters but for naming it as union activism (King 151). King famously advocated the dignity of all laborers (136), through boycotts (151), paid on-the-job training (139), and making visible the role of Black workers within the union movement (149) in his work *Where Do We Go from Here?*.

The language of Black women organizing is rarely acknowledged within studies of labor rhetoric because due to a combination of racism, sexism, and classism, their labor is seen as not legible as labor organizing. The language is not there to address the labors of Black women who engaged in a global boycott of J.P. Stevens, instead, we see laborers and union workers as traditionally white hegemonic males who strike on a picket line for justice. This study aims to address the gaps of understanding within labor rhetoric on Black women's unseen labor organizing which is often hidden, silenced, or sung in a different key. The community work was Black centered, but the labor work was white-centered because Black women's labor is often not conceptualized as labor in the first place. Labor organizing that is not based on racial justice and justice for all merely aims to reinforce whiteness and re-inscribe white supremacist rhetorics in lieu of justice.

Patricia Hill Collins argued in *Black Feminist Thought* that standpoint theory articulates how seeing is a multi-faceted and multi-leveled experience with roots in a personal perspective. Black women brought lived experience into labor organizing with the expressed purpose of transforming the system, not the employment itself (Collins 220), which is why their work was not seen as labor organizing. Collins makes clear through her discussion of interviews with Black domestic workers that they engaged in

cooperative networks including resource and information sharing and organizing, occasionally for unions, other times for protections in the homes where they labored (Collins 58). Citing Omi and Winant, Collins too argues that the 1980s and 1990s brought about a backlash against the gains of people of color within the system, and the use of race neutered terms such as class overwhelmed discussions of race (32).

As Robin D. G. Kelly stated in *Freedom Dreams*, success is often hurled as a pejorative term used to rhetorically denigrate imaginative social justice movements (ix). Power structures do not change overnight, and no movement has restructured the power in capitalist society (Kelly ix). According to this viewpoint, it is meaningless whether a movement succeeds or fails, but it is important to draw attention to the innovative vision and knowledge these movements created. Labor unions that function within the sphere of legal rhetorics have not fully embraced all aspects of racialized culture. Therefore, it is necessary to examine these movements and their labor rhetorics with the lens of Black feminist thought. It is only then that we can rhetorically reimagine undergraduate labor organizing. It is this refusal to fail, or to label a movement or action as either a failure or a success, which dominates the field of Black feminist activists,²² who instead focus on an evolving and ever-changing space for justice until the systems of power are changed.

²² The washerwoman's strike of 1880's chronicled by Terra Hunter in "Washing Amazons and Organized Protests" serves as a key example. Each group of workers from Jackson, Galveston, and Atlanta, was in conversation with each other, strategically planning out each action, publishing open letters, returning wet and unwashed clothing, calling the bluff of those threatening their economic stability through strategic silencing, punishing scabs, and articulating their own power through knowledge of community networks (91; 95; 97). The Atlanta cotton exposition and southern fear of embarrassment ended the discussion of license fees for washerwomen and increased the fears that the southern community was dependent on black labor and their attitude could result in further action. Black domestic workers continued to keep the faith, establishing secret societies (88) determined to maintain their human right to a livable wage through any means necessary.

Crenshaw took inspiration from Black feminist thought and theorized intersectionality which examines social categorization through multiple vectors of concurrent and overlapping experiences which can either offer advantage or disadvantage. “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” and “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics” ushered in a new form of reading legal frameworks through analyzing the physical and sexual ways the patriarchy controls Black women’s labor and lived experience. “The intersection of racism and sexism,” Crenshaw writes, “factors into Black women’s lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately” (Crenshaw 1244). Crenshaw began her work as a process to legally champion the rights of Black women who suffered “double discrimination” through the courts in the automobile, transportation, and pharmaceutical industries by examining political and disciplinary institutions through strategically questioning these systems (149). Both Black feminist thought, and intersectionality were birthed from studying the value our culture places on the labor of Black women. Scholars such as Crenshaw read and articulate the law for its weaknesses.

Rhetoricians have taken similar themes of solidarity into the academic classroom. While they are not within the necessary legal format of this project scope, their works are a necessary springboard for discussing these honest moments they experience at work. Bernadette Calafell, in “From Failure and Allyship to Feminist Solidarities: Negotiating Our Privileges and Oppressions across Borders,” argues for the intersectional reflexivity

within the university. The goal of the university is not for the marginalized to educate themselves (40). Calafell calls for women of color rhetoricians and activists to occupy embodied space by creating allyship across identities rather than remaining binary and divided. In understanding the role of cultures of domination within academics there is a higher likelihood of making connections through noticing these critical movements to make lasting change beyond conceptualizations of failure to build solidarity (Calafell 52). Similarly, Calafell argues for dialogic pedagogy as social justice, radical honesty, and witnessing students both immigrant and non within “From Me to We: Embracing Copperformative Witnessing and Critical Love in the Classroom” (38). Calafell claims the move from me to we can be achieved within the classroom through relationship building and narrative story as a form of solidarity. This move from the singular to group mindset is a useful start to organizing to reconceptualize the university. These actions of solidarity bring the marginalized into spaces of equity.

Carmen Kynard argues in “‘All I Need Is One Mic’: A Black Feminist Community Meditation on the Work, the Job, and the Hustle (& Why So Many of Y’all Confuse This Stuff)” that the radical imagination of Black feminist thought offers Black students the opportunity to articulate their true and lived experience within university discourse because their exclusion by the university is a form of violence (11). The hustle is a term to de-whiten professionalism and its lack of awareness to multiple vectors of identities: “It is easy to see the job as your work when the people and the culture around you are YOU” (Kynard 19). Rather than marginalization this space can be a place of critical learning and unlearning to resist capitalism (Kynard 11, 12). Again, the

gentlemen scholar concept is coded with a white default, the Black laboring body and mind at the university then become a space to define and legitimize experience in new ways (Kynard 20). As Kynard argues, this labor has occurred for centuries, the “hustle” she suggests is the way to make visible the violence against Black bodies who struggle within the university against exploitative labor when they are merely attempting to live and work within a capitalistic culture that never sought to include them in the first place (20). In the same vein, union movements based on skilled labor never sought to include Black people either, Kynard by using an alternative language for her labors articulates the need for a Black feminist perspective within this work.

Writers such as Alice Walker and Toni Morrison have argued for the need to make visible the invisible Black woman who worked for their visions of freedom. Walker writes of Black women workers who provide acts of care and kinship during times of trial and invisibility. Walker’s essay, “In Search of Our Mothers’ Gardens,” tells of a search for lost knowledge from unknown and unseen Black women. Through the metaphor of the garden or quilt, an item that feeds, and clothes are mothering practices, undertook politics of care into the next generation (Walker 402). Yet, Black workers are still often not conceived as unionists, despite their activism. Theorizing the absence or perceived absence of Black workers within labor movements is useful because it draws attention to the perception of the cultural invisibleness of Black people and Blackness in society. Drawing inspiration from Toni Morrison’s *Playing in the Dark: Whiteness and the Literary Imagination* traces Black representation, of both waged and unwaged workers, by its disparate impact on the readers. Morrison creates a geography of the role of

African Americans in literature analyzing how the absence of Blackness within literature fosters ideologies of whiteness that are foundational to identity, particularly in the Western consciousness in literature and the academy (6). This work examines how the creation of the gentlemen scholar never included students of color, therefore their lack of participation in these union movements is a noted absence.

Organizer and Berkeley Senior Fellow, Jane McAlevey, in *Organizing and the Fight for Democracy*, argues that unions are a key element to the democratic process and must be re-built under the principles of camaraderie from the bottom up (40-41). Employees do not vote for unions because their friends and colleagues tell them to. Employees vote for unions because they see their struggle as one that is interrelated for all members of the working-class. Unions have been focused on bread-and-butter issues for forty years. It is time that the bread and butter be passed to the other end of the bargaining table for all to feast. A dual message then emerges unions increase equity with improved financial and benefit status while also creating a rhetorically enacted identity as employees united as one with their community (Nelson 249).

The supply of undergraduate laborers at a university is extensive. Overall, the inexperienced are hired because they are cheap, easy, and expendable. Through the benefit of work-study opportunities, the Economic Opportunity Act of 1964 created paid on-campus positions for those who would not normally attend university due to hardship (United States Congress). It achieved this, in part, by incentivizing the university to hire them on campus because the government would partially compensate them: “The purpose of this part is to stimulate and promote the part-time employment of students in

institutions of higher education who are from low-income families and need the earnings from such employment to pursue courses of study at such institutions” (United States Congress, 513). The *sizar* who exchanged tuition and fees for domestic labor then became both a crystalized and legalized concept within the US educational system. Student employees are required to work twenty hours or less and have a position related to their major interest or the public interest; therefore, employment is linked to building the whole person and the college community as a whole²³ (United States Congress, 515). While all undergraduate laborers are not necessarily work-study earners, it is an important rhetorical discussion to consider at the outset as undergraduates at private universities may choose to attend these institutions due to their financial aid packages. The packages are often larger than those at state universities, and work-study earners attend college to achieve upward mobility and not be constrained by the same systems of financial power as their parents. Those with work-study are privileged and preferred by the employer; however, the share of work being done on campus by students is growing, whether through work-study programs or not. These class issues often go unspoken within academia. According to Delbanco, another federal policy constraining student employees is the Bayh-Dole Act of 1980 which allows universities to profit and patent advances and inventions that came from federal funding, yet while educational resources were federally cut, this act incentivized universities to engage in corporatizing behaviors to accrue profit (141). Additionally, the Tax Treatment Extension Act of 1980 and Tax

²³ A revision was made to the act in 1972 to address discrimination.

Reform Act of 1986 penalized students by taxing scholarships and grants as income if the funding was used as income. Altogether, a theme emerges of working students who are considered laborers rather than critical thinkers within the university getting the short shrift.

Campuses are dependent on undergraduate laborers to function. Members of the university community can rhetorically re-imagine the future of undergraduate labor organizing if there is one united student body, not one kind that is invisible and one visible kind. Using theories that focus on rhetoric, Black feminist studies, and labor organizing, this study will consider how private undergraduate university workers rhetorically claiming the term employee (either through traditional legal means or non-traditional means based on the action) re-defines themselves in opposition to the dominant narrative of a student, who must enact free or poorly paid labor for the sake of experience. Discussions of private undergraduate laborers' rhetoric are important because they can further the existing research of private university labor organizing. This discussion reaffirms that legal distinctions do not define communities, and that grassroots activism can lead to long-standing social change. This work will go beyond examining why undergraduate laborers are pursuing the legal methods of collective bargaining. It will not merely argue for unionization of workers through either locals or metropolitan projects (metro); it will seek to examine what coalitions, connections, and cycles emerged from these attempts. While metro strategies are an excellent start, they do not go further enough. This study goes beyond analyzing the rhetorical failure or success of a

movement, but how a movement rhetorically sustains itself. Finally, it will conclude with what lessons we can learn from organizing within and without the NLRB.

The Powell “Memo” in 1971 struck a blow to higher education analogous to Ronald Reagan’s destruction of the union of striking air traffic controllers in 1981. It is time undergraduate labor organizing is looked at through a rhetorical lens, not only to understand how those laborers contribute to building our democratic nation today, but also how they informed and created a movement. As Emma Rose Borzekowski’s invaluable BA thesis titled “Undergraduate Worker Unionization” concluded, undergraduates organize and react through their environments and organizing increases communal connections of class solidarity. She now works within the labor field as a Jewish community organizer and is “paying it forward” by advising undergraduate organizers on their union rights.

Literature Review

In the field of composition studies, issues of labor and labor rhetoric arise most commonly in conversations surrounding employment--namely attention from writing program administrators discussing fair practices for hiring contingent faculty to teach first-year writing courses. The Writing Program Administration publication endorsed John Trimbur and Barbara Cambridge’s “The Wyoming Conference Resolution: A Beginning” bringing the issues of pay disparity, benefits, status, and classroom environment into full focus (13). The resolution was adopted by the Conference on College Composition and Communication (CCCC) calling for an essentially a massive union, i.e., a grievance procedure to redress issues within the Composition Studies

profession nationally (Trimbur and Cambridge 18). An application of this Wyoming Resolution model is the more recent article, “The Indianapolis Resolution: Responding to Twenty-First-Century Exigencies/Political Economies of Composition Labor” by compositionists and advocates of labor, Anicca Cox, Timothy R. Dougherty, Seth Kahn, Michelle Lafrance, and Amy Lynch-Binieck. They argue that the failure of the Wyoming Resolution based on standards, grievances, and action was not the way to combat the academic labor crisis of contingent low-wage labor without salary, benefits, or advancement (Cox et al. 45). Instead, through collaborative efforts, the mobilization of educational contingent workers based on strategies within metro projects rather than singular units was another way to combat the growing inequality within the corporate university (Cox et al. 61). By failing to consider the long-term consequences of short-term employment hiding behind the veneer of academic freedom and independence, the university still gains long-term profits, the only goal (Cox et al. 53). Short-term workers such as graduates and contingent employees are in a sense, disposable and replaceable (Cox et al. 57). This failure to be treated as employees and members of the same class as tenured individuals had led to an increasing uptick in unionization efforts amongst these laboring members of the academy. This growing and human desire through democracy in action is the new vision for labor rhetorics.

Conditions for underpaid student laborer interns tie into labor rhetoric within the field because these workers will be entering the labor force in the future. As argued by Durack in “Sweating Employment,” unpaid internships are not ethical during the recession (249). Only certain students have this unpaid pathway to employment because

not everyone can afford to work without pay; the law itself leaves many position types open to interpretation and potentially exploration (Durack 249). Overall, those who work as unpaid interns have a slightly better chance of gaining a full-time position, but the work itself amounts to shadow labor or the operative term grunt work (Durack 250). The descendants of the gentlemen scholars can afford to work as unpaid interns, but undergraduate laborers who already work and take courses likely could not. The image of what it is to be a student does not match with the reality of the undergraduate laborers' day-to-day living experiences, including the need to financially support themselves. The role of civic and communal literacy via understanding basic employability law would assist students and professors with this ethics of unpaid internships (Durack 264). While there is a private sector precedent for organizing, it is only within the medical field. For example, interns and residents at the Boston Medical Center Corp. could legally organize as employees in 1999 (NLRB, 1999).²⁴ Presently, undergraduate student interns who labor are not considered employees according to the NLRB.

Labor rhetoric in educational fields has always had its basis within democracy and equality. Through that, professionalism (including the salary, benefits, respect at work) is necessary to live a good life and be a productive member of society. Anicca Cox, Timothy R. Dougherty, Seth Kahn, Michelle LaFrance, and Amy Lynch-Binieck

²⁴ COVID-19 has led to a surge of labor organizing within the medical field asserting an internship can be a professional form of employment. While interns may still be required to pay a nominal fee to remain enrolled as a “student” during their internship. These roles are much more clinical or pre-professional contextual than an optional unpaid internship. As of September 2021, over eight-hundred medical interns, residents and fellows unionized through the Committee of Interns and Residents/SEIU at the University of Illinois Chicago and were certified by the state labor board (Streit).

demonstrate through their treatise on academic labor that the lack of secure positions; research on said labor conditions, support from professional organizations, and opportunities demand restitution through an opportunity for the drafting of best practices through standardization of practices and an opportunity to share public grievances for said institutions non-compliance through labor research drawing attention to the rhetoric of professionalism as shared laborers and professors (Cox et al. 49). The writers contend that to circumvent the rhetoric of despair which praises inaction in place of action because the systems of power stay the same, one must publish and research on contingent worker conditions to imagine new possibilities for organizing (45, 49, 55). An absence is no reason to not act for change, it is the role of academia to address absences in critical scholarship.

Kahn shows the need for advocates and allies within the field of rhetoric and composition towards moving to an awareness of the labor practices of those outside tenure lines. Kahn argues that to build trust one must take responsibility to the community before they speak for them. Strategies he offers are being a public listener and supporter but not speaking for the community and remembering contingent laborers are people rather than a class or issue (269). Instead of infantilizing contract level professors, Kahn sees himself and contingents as brothers and sisters within the mutual struggle to build labor power who refuses to give in to the rhetoric of despair and through organizing and the ability to confront precarity as a worker and to disagree (Kahn and Pason 119, 120). Labor research and writing allow for members of the academy to see themselves as laborers as Cox et al. claim, “We all speak the rhetoric of labor” (53).

Rhetorics of professionalism place the onus of training and continued unpaid work onto the worker, through speaking and enacting the rhetoric of labor, we build solidarity and trust within ourselves as a community. It is this focus on professionalism that erases our shared identity as working-class. Education as a system is perceived as equal, but the idea that unpaid labor can help one "rise up" is inherently flawed. As stated earlier by Kynard, professionalism is a classist and racist coded concept as assimilation within white discourse (18). As early as King's work the concept of professionalism and training are coded terms to gatekeep skilled versus unskilled labor separate from everyone saved white men.

University professors are latecomers to the union movement due to the gentlemen scholar's concept. Kindergarten through twelfth-grade teachers have been actively unionizing for more than the last hundred years. According to Mark Hiavacik in "The Democratic Origins of Teachers' Union Rhetoric" teachers' union rhetoric, such as that used by 20th-century activist and labor lady slugger, Margaret Haley, focused on both professionalism, duty, and democracy (506). Haley's issues in 1904 are the same that educators at all levels face today: canned courses, lack of tenure, pay, and the refusal to cap classes (Hiavacik 511). Yet, as Cox et al. articulate, professionalism has not worked in labor rhetoric (49). The rhetoric of employees is inclusive and contains both skilled and unskilled labor.

Robert Connors' review of the history of the rhetoric and composition profession elucidates that labor conditions have always been unequal, and professors overworked. The Hopkins Report (1919-1913) itself implicated the field when it claimed sixty

students per instructor was the best course of action to prevent burnout, strain, and provide quality student feedback (Connors 114). Overall, with departmental budgets shrinking the field itself cannot invest in higher-cost classes, so the cheap labor of composition has become the best outlet (Connors 119). Both women and part-time faculty members receive the lower rank of composition teaching rather than the lauded rhetoric or literature due to the accessibility and flexibility and were therefore financially penalized (Connors 121). Yet, as Connors predicted in 1990 (123), the underclass conflicts between composition and rhetoric and the lack of value to the labor of the most marginalized continue to be a part of the discourse within the field. Other researchers such as Christine Cucciarre suggested that her role as a non-tenure-track (NTT) employee placed her in the middle of the problem of academic labor abuse. As an NTT faculty member, she is situated within an awkward middle space of the discourse; one who had a degree and full-time protections, but no tenure. Silence pervades the continued acceptance of this model, and she argues that the rhetoric of this movement must be situated within labor and not professionalization (Cucciarre 59). Composition is a good example of unequal labor conditions because so many laborers are non-tenure track, contingent and low cost despite the success in composition classes is predictive of students' retention rates.²⁵ Overall, these courses are assigned to less valued laborers for

²⁵ The 2013 working paper "Are Tenure Track Professors Better Teachers?" Northwestern researchers noted that contingent instructors were better teachers. However, as a prestigious university, Northwestern's model is full-time instruction and advising, which is not atypical of most institutions (Figlio et al.). The publication itself is more likely Morton Schapiro's attempt at eliminating tenure during his Northwestern presidency.

fiscal decisions, despite the need for more experienced and campus present professors to take part within this long-term investment within the university's bottom line.

The merging of labor studies and composition studies can be seen in Asao B. Inoue's work *Labor-based Grading Contracts*. The system redistributes power between students and professor by giving students more control of their work through grading the labor itself rather than the language (Inoue 11). Building on the previous work of Karl Marx, Inoue argues that to dismantle systems of oppression grading should be based on the amount of time in producing the work through labor logs over the quality of the resulting work. Labor work is the embodied way to transform silence into engagement. Inoue's work highlights an innovative composition practice that is transdisciplinary which includes a thorough power analysis based on knowledge creation. Not everyone has the same access to education; therefore, basing grading on material conditions of labor and love can lead to full liberation.

Rhetoricians, compared to compositionists, have paid less attention to labor as a material condition for living and being. Some rhetoricians have discussed cultural or historical figures such as Mari Boor Tonn and Mark S. Kuhn's work on Mother Jones in "Co-constructed oratory: Speaker-audience interaction in the labor union rhetoric of Mary Harris 'Mother' Jones" or more rarely within a particular strategy such as Kevin McClure's, "The Institutional Subordination of Contested Issues: The Case of Pittsburgh's Steelworkers and Ministers." Tonn and Kuhn argued Mother Jones had a particular rhetorical strategy of call and response, intently performed to restate her message to the workers and away from bosses (319). Tonn and Kuhn argue that Mother

Jones's speeches invoke a type of labor rhetoric which was agitation of the audience. They claim her call and response speeches were intentionally performed structurally, and she always restated her union message. Furthermore, her redirection back to the model of cooperative union action includes models for opposing the bosses (Tonn and Kuhn 319), incorporation of responses at the appropriate point (Tonn and Kuhn 322), and finally the charm of the speaker which allows for personal empowerment (Tonn and Kuhn 325-326).

Religious themes tied to collective action are featured in McClure's rhetorical work. He states regarding steelworkers and ministers, "their rhetorical tactics of a corporate accountability campaign grew into a campaign of Christian morality thereby effectively switching the rhetorical messaging and not achieving identification with all workers and the media (McClure 498). Rather than a divestment or Christian theme, an articulated language of power within the concept that we are all workers collaboratively fighting together within these increasingly corporatized institutions is a clear message. Yet, what dominated the press stories were radical actions, skunk bombs, and the eventual defrocking of a minister. Missing in these conversations is the law itself and the actual labor organizing; there are too few studies about how people interact with the law to organize, a situation this study will rectify.

Coda

My experiences as a private college undergraduate laborer were nothing but positive. I received on-the-job training from a kindly student mentor, my co-workers were gracious, and I had the highest on-campus salary for any student employee at my university. Even with my place in the system, I was unaware of the system. The class

distinctions between me, who had to work, and the students who did not represented a widening chasm. I discovered quickly, like bell hooks did in *Where we Stand*, that class follows onto campus. As hooks states regarding her experience attending Stanford, “No matter our color, students from poor and working-class backgrounds had common experiences, history had not taught us how to sufficiently name or theoretically articulate” (119). Through my experiences as a union organizer and professor, I am emboldened by the youth I meet and their commitment to social justice. Despite being from a union family, I had little understanding of civic and community literacy. Through this study, we will see how these workers identify and name the worth of their labor in both mind and body rhetorically to themselves and the university. As Burke claimed, definitions are amorphous by their form, and we can only hope we have turned within the “right direction” (512). Therefore, by hypothesizing on the nature of the work of student employees, this work will contribute to the body of knowledge towards the right direction by defining students as laborers who are engaged in rhetoric, action, and justice.

My contribution to the conversation and model is based on close textual analysis and engagement with organizing work and the relationship to the law and specifically the rhetorical positions that emerge from it. What these rhetorical tools of analysis will do is explore in-depth the labor issues within the field of rhetoric and composition. The case studies themselves have been selected because they are relevant to the theme of prospects, problems, and possibilities within the field as a whole and by acknowledging the work that undergraduate laborers do is both valued and respected, we can come to a further understanding of the need for civic and community literacy within the academic

community. As this analysis argues, workers cannot merely request respect, they must demand it through action. Too often unions are seen as antithetical to universities because they are related to physical industries. These rhetorical arguments are situated within ideological opposition to unionization within the ivory tower more than opposition to student employees having unions. The fundamental misunderstanding is that due to economic need, students are overwhelmingly employed to fund their education and are subject to the same process of collective bargaining as any other worker. As Carlson argued in 1955, intellectuals cannot be indifferent to unionization (447). Unions are part of a social change that can obstruct the business-as-usual attitude, yet they maintain an employed economy (Carson 453), and academics must cooperate with unions in the future (Carson 456). While unions are not the only vehicle for social change and control over one's working conditions, they are the only current legal ones, and the scope of this project is to examine legal rhetorics.

Many undergraduate student laborers believe in the false promise that through attending college they can achieve upward social mobility; it is a dangerous promise because with the rising cost of tuition and student debt, there is no guarantee of economic success post-graduation. I see this work to move college beyond the ivory tower life of the mind, the purpose is dually pedagogical and political. Embracing the life of the mind severs the university's civic responsibility from their workers, creating a widening chasm of haves and have nots. College is no longer a feasible system for upward social mobility unless something changes. For example, Gregory Wolniak and Ernest Pascarella's study echoes similar research from as early as 1957 that overall, the college itself often does not

matter, it is that a student attends and completes college (66). Yet, undergraduate laborers who balance both work and school are at a disadvantage completing college within four years. In two exceptions, the college does matter. Firstly, elite universities economically benefit lower-income students significantly (Wolniak and Pascarella 67). The name of an elite college still does provide cache and status to those who are working-class. Secondly, work colleges ²⁶ do the same in respect to both social and economic status (Wolniak and Pascarella 67). However, when a lower-income student attends a work college, which provides an on-campus job and reduced tuition and board in exchange for labor, the cost of attendance is significantly lower. When one labors for an institution, they are invested within it. Therefore, it is no surprise that within each case study the undergraduate laborers who are the most dedicated to their position and institution choose to begin union movements to leave their campus a better place for the next generation, especially students of color who must fight against the inherent white maleness that is built into the system.

Composition has much to offer as a field politically as Chase Bollig's work suggests. Bollig argues the importance of the field of rhetoric and composition itself as the power vacuum where students can channel their need to learn about their civic and communal roles as workers (168). While I am not arguing the societal value of

²⁶ Work colleges are focused on a debt free education, collective labor ethic and social justice model. However, students can buy out their working requirement, which harms the principles of the programming ("Subpart C - Work-Colleges Program"). There are nine federally recognized work colleges: Alice Lloyd College, Berea College, Bethany Global University, Blackburn College, College of the Ozarks, Kuyper College, Paul Quinn College, Sterling College, and Warren Wilson College.

composition within a college classroom when determining the worth of college to citizens and building active citizenship, I am arguing that the need for civic engagement via labor education and literacy is necessary and prudent within the academic community. If professors are training students to be workers and the expectation is that college is a pathway to employment, then we should be teaching the students the skills to live and work within the employment world. Overall, the life of the body and the mind must be acknowledged in academia. The irony is that universities advertise and promote themselves as institutions that will enable graduates to be ready for the employment market but sweep concerns about labor conditions under the rug because they are unable to picture their students as already participating in employment.

Method and Methodology

The process for the application of my work is analyzing public NLRB documents and testimony through the lens of Black feminist thought and labor rhetorics to draw out how these groups rhetorically define themselves. In Chapter 2, I examine legal documents from NLRB filings from UGSDW and Grinnell Trustees through the *rhetoric of employee* how these workers continue to articulate their rights as employees through the veins of legal rhetoric, despite the rights being maintained by law, but unable to be applied. Additionally, I look at both collective bargaining contracts between Grinnell Trustees and UGSDW alongside their petition for selective expansion and recent metro strategy, to draw parallels to the rhetorical move of filing wall-to-wall unions at private

universities. In Chapter 3, I examine legal documents from an amicus curia²⁷ (filed by elite universities under their definition of the rhetoric of excellence), NLRB filings, and a circuit court filing through the state of Illinois, based on the employer's failure to legally bargain with their library employees at UChicago. In this reading, the elite institution's rhetoric of excellence is at odds with their perception of their student laborers as temporary workers. Instead of disagreeing with the law and taking it to court, UChicago using rhetcon rhetrickery sought to delay the workers as long as possible in the hope a law would change, or the students would graduate. Neither occurred as they are currently bargaining for a contract. In Chapter 4, I move more broadly examining an amicus brief filed by powerful professional associations who disagreed with resident assistant unionizing and the limited NLRB case files through George Washington University's bid to unionize their resident assistants, which was abruptly withdrawn. I juxtapose a parallel case of a similarly complicated rhetorical situation of organizing Housing Assistant (HA) employees at Reed College. Both RAs and HAs taken part in the emotional and care labor of their fellow students. Overall, this work engages in a rhetorical process moving beyond rhetorics of failure and success, white savior rhetorics based on resistance, or Protestant work ethic-based bootstraps mentality. Instead, this work favors labor language developed through students organizing through the rhetorical articulations of their own value as the labor of the body and the mind. Legal documents themselves are produced for a certain purpose and reader, they are active documents to enact a legal

²⁷Latin for friend of the court often called amicus brief. Often these documents push an agenda despite their legal need to remain impartial.

proceeding, enforce a law or make a change. Working extensively in labor rhetoric issues informed by Black feminism and secondary labor sources, I interpret the documents through close reading based on both comprehension and interrogation of inclusionary or exclusionary measures. This is a reading strategy that I have emphasized in my theoretical approaches. I am reading them after the closure of the cases to examine how the term employee is rhetorically constructed through the contested definition between both university and union. Finally, I analyze the documents maintaining an active approach considering future frameworks for the application of the rhetoric of employee through inclusivity going beyond rhetoric of excellence, failure and success and moving towards a greater understanding of the evolving labor consciousness within academe.

The perception of union workers and students has been consistent throughout our culture and civic education. Union workers were straight, cis, heterosexual, Democratic, and Protestant white men. Even though it is known and categorized that Black workers are the most likely to be unionized (U.S. Board of Labor Statistics). According to “I Know I Am, But What Are You?” the average union worker is correctly perceived as a white male who is 36-45 and incorrectly perceived as a Democrat, being more politically moderate than radical (Gibney et al. 8). Public perception of unions is often negative because union workers are seen as complaining (Gibney et al. 10). However, the perception of union workers is that they are hardworking, compensated fairly and that unions help with negotiating for better working conditions (Gibney et al 10). These public perceptions of union workers are false because the underpinning belief is based on that false premise that union workers are employed in fields that require physicality and

should be fairly compensated for the risk to their bodies (Gibney et al. 8). Unions are seen as good in theory for the men of the laboring classes, even when it bears out that professional classes are the most heavily unionized (Gibney et al. 8). Therefore, labor is still seen in a gendered way, it is presented as the factory floor, the construction site, or the mine yard and is a masculinist and physical image. Feminized images of labor are domestic, emotional, and unseen. Other labor such as student labor is valued as lesser due to its unseen labors that are mental, emotional, and physical. The hierarchy still places these workers at the bottom. Despite the rise in both women and students of color attending the undergraduate university and laboring on campus, the default worker assumption is coded male.

Why this work is important is to disrupt these hierarchies and hierarchical structures of the intellectual labor in the gig and temporary economy, we must examine the hidden labor is inevitably and invariably at the bottom. This is valuable for rhetoric because as these hierarchies are formed and made apparent, this project seeks to make student labor observable to disrupt the hierarchy and help the discipline through the method of close reading and rhetorical analysis. Matthew Crawford is a prime example within his work *Shop Class as Soulcraft*. Crawford received his Ph.D. in political philosophy from University of Chicago and instead of politics or academics, he opened a motorcycle maintenance shop. He argues physical and cognitive have value and that considering physical over knowledge work is a fallacy. Similarly, Quinn Warnick's work "A Close Textual Analysis of Corporate Layoff Memos" shows that by examining documents about one's working conditions the close reading method can provide the

opportunity to examine the text itself as an artifact (322). For example, close reading enables us to examine pronoun use and what it means to power relationships, financial analysis, and how profits over people are often dominant, and how despite gender, these memos always attempt to mimic masculinist discourse. The goal of this method then is to examine the clarity of the language and how when reading between the lines of these electronic communications based on work, to further elucidate and to challenge the life of the body versus the life of the mind binary within the collective labor consciousness at the university.

To continue this discussion, Jacqueline Jones Royster's work, "When the First Voice you Hear Is Not Your Own," explores the idea of cross-boundary discourse and subsequent miscommunications that result within academic discourse. Royster is an African American woman in the academy and has a non-dominant voice (30). Royster suggests the role of reciprocity provides a look within the status quo classist and upward social mobility-based academia story. The undergraduate laborers and the employers are not communicating effectively because, in a sense, they each are speaking different languages. The undergraduates seek to re-distribute power back to the workers and the employer seeks to retain it. The employer views their position as naturally emergent and taken for granted, while the employee seeks to challenge this assumption. Royster's voice is another way to highlight power within cross-boundary rhetorical discourse. When female rhetoricians of color such as Royster, Calafell, and Kynard highlight this type of crossing be it via communication, classroom policies, or the hustle they make visible the invisible labor of women of color within academic discussions in the guise of promoting

greater solidarity. Analogously, this cross-boundary dialogue is even more apparent at institutions that are organized yet cannot legally claim their rights due to state laws over federal ones. Aiko Yamashiro and the workers of University of Hawaii-Manoa argue in *The Value of Hawai'i 3: Hulihia, the Turning* that movements that strive for equity in the form of social justice must begin within the workplace. They argue that to prevent the colonial university from profiting from their physical and intellectual labor, they are willing to withhold it to prevent them from gaining capital and freely publishing their work to distribute to the masses.

I utilize second-wave authors within the field of Black feminist studies because they crucial sought to intervene within the legal frameworks to interrupt status quo notions of the white male as the default in the legal system. Rhetoric's inception was within the law and legal frameworks, as this work has shown, laws can both empower and disempower. Labor scholars only root their discussion based on class while Black feminist scholars rooted their analysis within the humanity of all workers. Scholars cannot ethically discuss classism without also inevitably discussing racism and how the structure of the legal system inscribed these innate differences as often negative. I discovered ethics most significantly within Collin's *Black Feminist Thought*. Standpoint theory had a place in ethics because it articulates how seeing is a multi-faceted and multi-leveled experience. Collins's work provides the necessary and expressed framework of defining Black women's work as valuable across legal strata (144). Black feminist thought was birthed by Collins' study of the labor of domestic workers that semantically combines the labor of the body and the mind. Black feminist studies are useful to this

project because by discussing the dual marginalization of both race and gender, this lens can illuminate the inherent contradictions of the law situated around undergraduate labor.

My analysis reveals that this subject is a critically unheard site of investigation for legal scholars because it draws attention to hidden labor: that of the undergraduate. This study examines the labor of undergraduates which allows for deeper attention to race and gender within both the law and the university, two sites of investigation where members are explicitly still coded as white and male. The examination of undergraduate labor through a combination of methodologies is necessary because a major criticism of the labor movement is that it fails to address race in place of addressing class through coded language. I engage with Black feminist studies in an inclusionary way. Through this viewpoint, I can show that in place of joining in with national movements, overwhelmingly, these undergraduate laborers are creating independent unions and networks of alliance across communities of interest, labeling their work as valuable to the maintenance of the university, starting crucial conversations about what is essential work and what is not, derived from consciousness-raising work by Black feminist authors to draw attention to their marginalization. Undergraduate workers embody the struggle through extra-legal means to redefine their labor. Through these three cases, each one goes beyond the law because the law is not built for them.

I am using foundational Black feminist theories such as Crenshaw because she reads the law building on Black feminist studies creating an intersectional lens that shows where power crosses boundaries and interconnects between a variety of vectors. Despite the growing admission of those who are determined citizens to the law and the university,

the image of a citizen is still a white male citizen as the default. The image of the student is still a white male default. These conversations cross boundaries between union, which codes labor as white skilled, and nonunion which codes labor as Black and unskilled. Undergraduate laborers have a shared alignment with Black feminist studies because they employ the language of the unseen. Just as Black feminist scholars in the second wave sought to make the legal definitions work for them, so too did undergraduates through seeking legal certification. Black feminist scholars of the era were also linguistically defined as valuable by combining both the labor of the body and mind. I use Lorde's role of the need to speak, the need to educate, and the need to continue to resist is essential to Black feminist studies understanding. Words must be tied to action. Students pick up the master's tools through legal frameworks and quickly see that the law often forgets them. Lorde made clear the need to dismantle both the class and raced boundaries from those who organize together. As Stein noted, the difference was originally used as a tool of oppression within the biological categorization of race at the university. In this case, the difference of undergraduates is used as a strength because their various backgrounds and experiences can be utilized as tools to empower the movement.

Overall, the field of rhetoric is not engaging with the full breadth of the student labor movement. Burroughs' work attempted to disrupt these rhetorical hierarchies from the division of body and mind. My framing makes the solidarity between these communities apparent and calls for a resurrection of a subfield that has laid dormant. The rhetoric of employee expands on Rose's definition of work as a cognitive and intellectual process. Works from women rhetoricians of color such as Royster, Calafell, and Kynard

sought to cross these rhetorical borders in the aims of feminist solidarity across color lines, creating feminist allyship with other BIPOC rhetoricians who have argued for how their intellectualism drives their vocational labor. These scholars were structured in a manner that reconceptualized my methodological frame. These women's words and works have led to the ways I read labor and conceive of the rhetoric of employee through my NLRB data linking both method and methodology within this project. Yet, newer scholars do not follow the same field or scope of organizing and activism outside the classroom. Explicit discussion of labor and its living material conditions of said labor are missing from the recent scholarship. One can labor in a classroom, advising and hustling, but without the attention to the day-to-day grind of student employee's these scholars are not offering what is necessary to this project.

Jennifer C. Nash's recent work *Black Feminism Reimagined: After Intersectionality* powerfully argues for the need to address white supremacy at the university through the intellectual labor of Black women. The focus of her work is for Black women academics to "let go" of the protections of intersectionality in the guise of creating a more equal world (Nash 35). Missing from Nash's conversation is the discussion of the legal framework of employees. How can Black feminist scholars let go of what holds them back at the university when the true materiality of their status at the university does not often include their presence?

Black feminist studies go right to the point by characterizing identity as a collection of signifiers (worker, student) without implying that one contains the other. Instead of admitting that identity is a composite of various vectors and more complicated

than a single definition, the wealthiest and most prominent colleges are rejecting unionization. To be able to reason appropriately, the university viewpoint suggests that the self must be divorced from identification. Private university administrations are battling undergraduate student organizations not only because they are the boss, but also because they have the power, authority, money, and whiteness to do so. Labor unions have not fully accepted all aspects of racist society in terms of legal nomenclature. As a result, Black feminist philosophy must be applied to these groups and their labor rhetoric. Only then will we be able to rhetorically reimagine undergraduate labor organizing. The refusal to fail, or to identify a movement or action as a success or failure, dominates the field of Black feminist activists, who instead focus on a growing and evolving space for justice until power systems are reversed.

Conclusion

Labor unions should be allowed to form for student employees and the way to do so is to change the way student labor is spoken and understood. The case studies will model this in specific ways based on the rhetoric of employee (versus journeyman), *rhetoric of excellence*, and the rhetorical exclusion and inclusion strategies of broader campaigns that seek to expand the definition of employee. The second chapter of this work focuses on the Grinnell College organizing campaigns and the rhetorical contestations of the rhetoric of employee. The third chapter of this work focuses on University of Chicago and the rhetorical contestations of the rhetoric of excellence within prestigious universities through the university's attempt at stop-gapping the union's certification at all costs through rhetcon rhetrickery. The fourth chapter focuses on

rhetorical inclusionary and exclusionary strategies based on the concept of a “failed” campaign through examining Resident Assistant (RA) organizing at George Washington University through invitational and resilience rhetorics. Who is invited to the bargaining table and who counts as an employee has tangible and material stakes regarding student organizing efforts? Care labor, such as RA labor, is often forgotten as employment. As a complement to Chapter 4, Housing Advisors (HA) at Reed College filed, won, and lost their union representation based on the precedent created by George Washington University’s “failed” campaign. The creation of a precedent on file is a middle space that questions the validity of success and failure organizing binaries.

Each rhetorical case study provides an example of these three diverse types of labor organizing that emerged from each case's adoption of a particular aligning principle. The work concludes with Chapter 5 in an ongoing discussion of the actions of the Kenyon Student Worker Organizing Committee (KSWOC) as they attempt to include the largest labor pool of undergraduate unionized workers within the United States. These approaches are important for rhetorical study because the model presented in these case studies shows how close engagement with organizing works in relationship to the law and what positions emerge from these rhetorical constitutions between undergraduate laborers and university. The Appendix offers a discussion of how I read and understand my research as a ceremonial act crediting both past and present laborers in my life. Laws in a sense can both liberate and disempower employees, what this work sheds light on is how each case study differs within their historical positioning around the law changes and alterations and how the term employee evolved as a growing labor consciousness.

CHAPTER II

GRINNELL COLLEGE AND AN UNDERCLASS OF SERFS

When Grinnell College president Raynard Kingston stated that a union of employees at Grinnell College would create an “underclass of serfs,” he expressed the image of what all gentlemen scholars believe about workers (NLRB, 2018). To Kingston and the Grinnell College Trustees he represented, student employees would be bound to a collective bargaining agreement contracted as workers first and not students. Students from less privileged backgrounds would be discriminated against because they had to work, and food services (a lauded job due to the high pay and free food) would be considered “lesser” because it emphasized the body in place of the life of the mind. Kingston’s conception of contracts is akin to serfs bound to their masters in distant days of yore. No longer would student employment be free and unfettered; jobs would be privileged over the other, creating a caste system of student workers. Instead of being bound to the institution, the student employee-serfs would be bound to their jobs and employment contracts, removing the power from the university that employs them and binding them to their union instead. The characteristic image of a serf is a European who engages in misery, toil, and labor with the promise that eventually—by following their social script—they would gain entry into heaven by maintaining the feudal system. Serfs live on the land and exchange their bodies for labor and protection from the outside world. God was the single uniter within the feudal culture which gave the powers of divine right to the monarchy. While the clergy prayed for their souls, the serfs were

fulfilling feudalism and serving the monarch for the mutual benefit of the entire world. *Black's Law* defines serfs belonging to the land, not a person, "In the feudal polity, a class of persons whose social conditions were servile, and who were bound to labor and perform onerous duties at the will of their lords. They differed from slaves only in that they were bound to their native soil, instead of being the absolute property of a master" (Black 1367). A serf is tied to the land and therefore can never be a gentleman scholar. No one can rise above. What Kingston truly means through his comments on serfs is that student employees who claim their right to organize can never have a seat at the table. They were bodies not minds and could not be both. Student-workers disagree and claim the rhetoric of employee stating they can be both workers and scholars, one role does not discount the other, attending university overwhelmingly requires these roles.

This chapter seeks to challenge the life of the body versus the life of the mind binary within the collective labor consciousness utilizing a close textual of the legal labor rhetorics through the community of undergraduate laborers. Rose makes clear, the categorization of positions based on the body versus the mind hierarchy merely reinforces the classist social script that those who labor with their body, cannot also labor with their mind (216). As stated by the founder of UGSDW, Cory McCartan, "At Grinnell College, collective bargaining has the potential to address long-standing issues of class and of privilege, and to further the educational mission of the college" (NLRB, 2018). The majority of Grinnell College students attend there due to its affordability for lower-income students in the Iowa area. Over 86% of students receive financial support, 65% receive aid based on need, averaging \$46,609, and Grinnell supplies nearly \$59 million of

aid each year (“Tuition and Financial Aid”). Approaching Grinnell College from a rhetorical standpoint allows us to see how university systems can manipulate legal loopholes to prevent unionization from communities of interest growing larger. Although they were unable to enact their own vision of legal justice UGSDW made it clear they were a union of all workers by including all job classifications, both physical and cognitive, by claiming the rhetoric of employee, both in and outside the courts. Students who claim they can both labor in on-campus employment and conduct mindful research in the undergraduate classroom challenge Cartesian divisions of mind versus body.

Long known as a hub for the free-spirited and a stop of the underground railroad, rural Grinnell, Iowa, is the namesake of a railman who preached religious tolerance, liberal arts education, and abolition. From abolitionist John Brown who sought violent and radical upheaval of the capitalist system which functioned based on slavery to extract labor from generations of unpaid Black workers to the soft-spoken timid minister Josiah Bushnell Grinnell, both men believed the same: Black workers deserved to be freed (Grinnell Herald). Over one thousand Black people were guided through the Underground Railroad in Grinnell’s history seeking racial equity and liberty (Grinnell Herald). More than one hundred years later, the liberal campus ideals remain within the students. On October 16-17, 2018, members of the Union of Grinnell Student Dining Workers (UGSDW) testified on behalf of extending the dining employees union to all student employees on campus against Grinnell Trustees (Fructer and Wray). Rather than at the offices of the Minneapolis NLRB, Region 18, which was a four-hour drive and noted hardship for the student laborers, UGSDW met with Grinnell Trustees in the

banquet hall at the members-only nine-hole golf course, at Grinnell College, Newton Country Club. Originally a space where professors on a leave of absence could enjoy sport, the location was set in direct symbolic opposition to the labor values of UGSDW. The average student who attended Grinnell College is likely to have financial needs, not inherited wealth, and would likely caddy for golf clubs than dine at Newton Country Club.

The Grinnell Trustees' belief in the myth of the lackadaisical undergraduate, playing frisbee on the quad in a pensive mood is apparent as they did not consider eight hours of roundtrip travel for students who primarily did not own vehicles, and having them miss both schoolwork and paid employment, to be a concern. For Trustees to agree with the relocation, a mere half-hour drive from campus, UGSDW had to drop an Unfair Labor Practice (ULP) agency claim that stated the employer violated Federal Service Labor-Management Relations Statute (the Statute), when they claimed union expansion could harm students who receive work-study (NLRB, 2018). The hearing was a revolutionary experience for undergraduate laborers who walked into the ballroom; fireplace room, pub, lush verdant grounds and viewed the perfectly constructed creek with wonder. Witnesses from UGSDW were called to testify on their need-based employment status at Grinnell College. Student employees are not attending college to work; they are attending college and working to live. Accepting that students can also be rhetorically defined as employees, by joining both body and mind, complicates the mindset of the Grinnell Trustees that college is no longer a privilege for the wealthy and those who attend must earn to learn.

This chapter begins with Grinnell College as a catalyst for opening up the rhetorical contestation of the terms of student and employee between UGSDW and Grinnell College Trustees. Situated within this discourse is the underlying theme of the rhetoric of employee (UGSDW) versus the rhetoric of the journeyman (Grinnell Trustees) from which they view student laborers. An employee works for a living in exchange for capital. Comparatively, the definition of an employee described by the NLRA—as discussed in Chapter 1—is employed in any field except the following: agriculture, domestic, by a parent or spouse, independent contractor, or railway labor due to the existing legal precedent of the Railway Labor Act of 1926. Thereby, UGSDW’s effort to claim and name themselves as employees limits other workers based on racial and gender identities who do not deign to have that title. A journeyman is a worker who is trained but not distinguished, but employed by a person or place of power, that further divides student employees and racializes non-student employees who do not have the title of employee. The diction behind the choice of journeyman is that it distills the classist, sexist, and racist assumptions of the university within a single word.

The primary and major documents that will be discussed went before the National Labor Relations Board at case number 18-RC-228797 which is the Trustees of Grinnell College and Union of Grinnell Student Dining Workers: “Decision and Direction of Election”, “Motion by the Trustees of Grinnell College for a Stay of November 27, 2018, Election/Impoundment of Ballots” and “Petitioner's Opposition to Motion to Stay an Election.” Other minor documents that will be discussed and referenced are: “Notice of Election” and “ES Office Letter.” Moreover, both the “Grinnell NLRB Hearing

Transcript" and the "Statement of Purpose" are not publicly available documents and are considered secondary. By publishing Grinnell's potentially embarrassing "underclass of serfs" gaff, UGSDW made public what was private within the courts to show the rhetorical power of their campaign messaging and show the public what the university genuinely thought of their workers. A common tactic of union movements is full transparency to their members to serve as a counter to the hidden motives of employers. Additionally, the non-NLRB secondary documents, "Partial Expansion" and "Letter to UGSDW" will be discussed due to the significance of the shift from legal rhetoric to a pressure campaign. The purpose of examining the non-NLRB documents is to show the rhetorical moves UGSDW attempted to capitalize on the university's offer to expand their union but retain their rhetoric of employee.

These documents will be examined to showcase the inclusionary representation of UGSDW's rhetoric of employee which includes both the physical and cognitive. The positions varied in time commitment and flexibility including lifeguards, mentors, tutors, drivers, library workers, fundraising, facilities, mailroom, tech support, ambassadors/guides, events planners, graders, lab, office, research, or course assistants, totaling nearly half Grinnell's student body. Their rights are at exclusionary odds with the Trustees of Grinnell College who still consider their student employees to be journeymen and consequently, day laborers and not applicable as employees. Grinnell itself classifies any occupation requiring training to be employment, however, minimal (Grinnell College). By joining the positions that are often divided by selecting wall-to-wall union

representation, the undergraduate laborers at Grinnell advocate that both physical labor and mental labor classifications require cognition.

Before we discuss the mechanics of the 2018 case, this work will begin with a discussion of the relevant labor law in respect to unionization and the previous NLRB case precedent in 2016. While academics talk about action via text, labor is actionable as well. Rhetorical studies are an important way of framing this chapter because it changes how rhetoricians value and consider work. This analysis examines in our society physical labor is devalued compared to intellectual labor despite being at least equally as essential to maintaining the university. Labor implies production, but while students are paying for their education at Grinnell, the majority of them are running the college by maintaining its day-to-day operations. In essence, Grinnell works because the students do. This offers a striking contradiction to what liberal arts education is, students in the classroom and the workplace should be learning from everything that they do. Yet the continued bifurcation of education versus labor and skilled versus unskilled labor forces students to choose identities. In retrospect, students working in the classroom function as an intellectual product which can be both skilled and unskilled and both education and labor just as working on campus can be the same. Student employees who labor on campus are free to switch or change jobs or work multiple positions at once, their roles are often in flux, but their legal title as an employee is not. Students may pay for tuition, but they also may serve as a teaching assistant to a professor one year, while serving food in the cafeteria another year using both body and mind for each.

Instead of raising the floor of undergraduate laborer salaries to ten dollars an hour and offering access to social justice resources, the Grinnell College Trustees decided to fight. They lost against two-hundred undergraduates representing themselves in court and the election was held and won at an 80% margin (NLRB, 2018). In place of accepting defeat, they appealed the decision and attempted to determine the fate of all private university laborers unions organizing nationwide. Why was a private institution whose endowment is valued at two billion dollars and where tuition costs \$50,000 per year continuing to fight undergraduate laborers' definition of themselves as “employees?” (National Association of College and University Business Officers and Commonfund Institute). It is time undergraduate labor organizing is examined critically not only to understand how they contribute to building our democratic nation today but also how they informed and created a movement of labor rhetoric. The case at Grinnell College ignited a national debate on the value of undergraduate labor and inspired others such as Kenyon College, a descendant of this movement.

History of Academic Unions and the Undergraduate Role

Unions are formed after an independent group of workers selects representation and is guaranteed under the NLRA for all employees. When an organized group of workers chooses national union representation, they establish a local union. With a national choice comes a resignation of some of the employee control to their national or parent union. For example, recent private university laborers have chosen national unions such as the American Federation of Teachers (AFT), Service Employees International (SEIU), and United Automobile Workers (UAW) as their collective bargaining agents.

When an organized group of workers chooses national union representation, they establish a local union. The AFT is a union of educational professionals, government employees, and nurses. The SEIU is a union of medical professionals, service workers, fast food workers, and adjunct or graduate faculty. The UAW is a union that began for auto and manufacturer workers and transitioned twenty years ago into higher education with over ninety locals with nearly ten percent of the membership of graduate workers. Each union offers a long-term vision for its membership and collective strategy for its community of interest. These national unions have all jumped on the private university organizing bandwagon because they are currently and consistently one of the largest growth areas of unionization. The NLRA provides the right to unionize in the private sector specifically for the economy to continue uninterrupted, yet many unions immediately accept strike clauses which prevent workers from enacting work stoppages without both a union vote at the end of the contract and NLRB approval, stripping the militancy from unionization by whittling it down to timing (Lynd and Gross 11). Furthermore, nationals encourage this language in local union charters and constitutions to maintain peace. Therefore, the only time that strikes are an option for national unions is the ending of a contract.

Historically, the position of undergraduates at universities was one of infantilization, their bodies were literally in the care of the university, as the students' parents. *Dixon v. Alabama State Board of Education* ended the university serving as a temporary parent (in loco parentis) in 1961. The ruling served as a turning point severing the connection between student and university as a parent-child relationship. Instead,

students were striking and growing increasingly agitated over the United States (US) encroaching presence in Vietnam and Cambodia in the 1960s-1970s engaged in national political actions. Berkeley students led the charge protesting about racial discrimination, the draft, free speech, anti-war, and women's liberation. Before that, students were more often hired as strikebreakers or temporary police officers to end violent work stoppages. The gentleman scholar concept places the students on the side of those in power because they will eventually become a participant within the system, likely a boss who oversees the factory laborers.

In the past, students were tools of the ruling class and not tools of the working-class, there were no class conflicts because generally they were all slated to be bosses. In four main examples, historically when called upon, students were taken out of their life of the mind and placed into the life of the body by the university. For example, Seattle shipyard workers struck on February 7, 1919, due to low-wages and the mayor of Seattle inducted nearly two thousand University of Washington students as police officers (Brecher 119). The reasoning was that these officers were required to prevent Seattle from Bolsheviks to enforce state control, radical communists who seek to overthrow those in power. Similarly, on September 12, 1919, a police organization called the Boston Social Club joined the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); workers were fired in retaliation and voted to strike. Therefore, Harvard University offered their students without their consent as scabs for the Boston police (Brecher 122). Scabs or strikebreakers are often hired by a company at great expense to break the strike and maintain business as usual. The same fears of

Bolshevism and the general disorder of working people continued in Boston. On December 20, 1919, the United Mine Workers of America (UMW) struck because they failed to receive a new contract for higher wages and shorter hours (Brecher 140). Despite President Wilson bringing an injunction against the workers and federal troops in some states and the president of the union canceling it, the workers continued to strike for one month until their demands were met. The strike grew nationally and due to the dire need for fuel in Kansas, college students yet again served as scabs entering the surface mines and acting as temporary mine workers (Brecher 140). Each of these four strikes showed the prevailing power systems their collective strength as a unit. However, in lieu of solidarity or support, undergraduate laborers were used as physical tools to break these actions and the collective spirit of workers. Now it has changed; undergraduates are employed adults who have regained their legal body, claiming their role as an employee.

Grinnell and UGSDW demographics

Union of Grinnell Student Dining Workers (UGSDW) is led and run by the employees of all job descriptions. An independently affiliated union is created and maintained by the workers, as opposed to being affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) or other larger governing entities. The benefit of this choice is the freedom to make decisions without the need for approval from an overarching national system, however, it also means access to resources is more limited and must be entirely worker motivated and derived from the local membership. For example, resources must be given from dues collection or the contribution of time and energy. In effect, this means that the union could be as radical or

custodial as they wish. UGSDW is the only established independent undergraduate labor union within the US. They research labor law themselves, receive alumni financial support, and retain a pro-bono lawyer that previously won *Columbia* in favor of collective bargaining. In addition to being entirely member-run, a further benefit of an independent union is that the third-party argument often leveled against unions, stating that unions get in between employees and employers, is not feasible. It is difficult to rhetorically “third party” a union as separate from the institution when it is employee-run without a parent group with national representation. Grinnell students are college-age and membership attendance are slightly female dominant, reflecting the general national average in higher education. One distinction of Grinnell is the high concentration of international students, covered by the NLRA, whose visa restrictions prevent them from working off-campus and limit them to twenty hours maximum per week: ergo, on-campus labor is the only option and employees have higher stakes in maintaining their union (Grinnell College). Due to its rural location and lack of access to viable sources of transportation, the Grinnell College student employees chose to represent themselves and work within their community to seek local support.

Grinnell College is a diverse institution in a rural area, the town itself has nine thousand people and the college has seventeen hundred students (“Grinnell at a Glance”). The student population is twenty percent international, and twenty-four percent define themselves as persons of color (“Grinnell at a Glance”). The college is approximately fifty percent white, slightly skewed female, and overwhelmingly those who attend are full-time students (Grinnell College). Additionally, the highest percentage of students

after white females and males who attend Grinnell are Hispanic and Asian women, respectively, with Asian women graduating at a higher rate (Grinnell College). The title of employee historically has certain benefits that are both gendered and racialized— as Chapter 1 indicates—the labor organizing movement, even at Grinnell, is not exempt from racism.

This is important to remember and weave into the understanding of the organizing movement that the worker is classified as white and race at Grinnell cannot be forgotten. For example, John Campbell wrote *Negro-mania* in 1851 intending to protect the labor rights of white men (Stein 27, 28). Campbell centers his conversation on men in general, specifically arguing that Black men were suited to physical labor to justify slavery. He feared if slavery was no longer a system of free labor it would wreak havoc on the value of white male skilled labor (Stein 28). Citizenship and liberty were situated within the conversation of white men, specifically the capability of their gender and race to be successful. Black men were pitted against the bodies of white men in a binary as imperfect and only suited for labor (Stein 29). The concept that the races were separate, unchanging, and that through ethnology, the physical body provided all the answers one needed about mental and ethical abilities was a culturally prevalent concept when Grinnell was founded (Stein 30). By extension, religiously affiliated colleges such as Grinnell often used the Biblical belief that white men were descendants of Adam and Black men were descendants of Ham to justify racism (Stein 63). Despite slavery being illegal in Iowa, Grinnell still had Black codes governing segregationist behavior until the Civil War. These laws were embedded in city and college politics technically until the

Civil Rights Act of 1965, even though there were laws on books to end discrimination much earlier. Overall, Grinnell has a lower attendance rate for Black students, therefore, when UGSDW was founded, it was in the words of organizer Paige Oamek, “a boy’s club.” It is no surprise that a general trend throughout the discussions of private undergraduate labor organizing is that the founding members and leadership were overwhelmingly white males. The rhetoric of employee defaults to white men because the privileges of collective bargaining were enshrined within the law as master and servant and not master and slave. While the rhetoric of employee provides liberty to white men the term employee assumes enslavement as the default, leaving out Black people from the rhetorical considerations. It is interesting to note that in lieu of assisting with the liberation of other workers, the rhetoric of employee provided Grinnell and other undergraduate laborers the legal rights to “move up” while forgetting the workers left behind.

It is more likely at these private four-year universities to see underrepresented groups from international locations than local Black people attending, as Grinnell’s city population is 3.7% Black, and the college is 4.39% Black (United States Census; Grinnell College). For example, Tressie McMillan Cottom states in *Thick* through essays that bridge both personal and political, diversity is often used as an umbrella term to incorporate both regional, national and international Black students, “ But the university knows all of the right things to do about ‘diversity,’ a bullshit term invented by bureaucrats who stutter when they say ‘Black.’”(137, location 1140). According to Cottom double-dipping from diversity pools improves the institution’s image, “It is a

sticky thicket to discuss, but for many reasons, Black ethnic students and faculty can bring cachet to a university that plain Black students, like me, cannot. Nothing about the logistics of this makes sense materially” (138, location 1148). Great attention is made to diverse student bodies at private liberal arts universities, but locally in Cottom’s term, “Black-Black” people are often underrepresented in educational institutions (138, Location 1148).

Women’s roles in respect to labor and higher education have changed. According to ethnology, it was women’s role to reproduce and continue white supremacy, therefore, the patriarchal and paternal systems could be maintained. As Stein argues, the plantation as a family metaphor was a justification for the domination and infantilization of both women and people of color (73). Yet, even today the plantation as family and by extension the workplace or college as a family is promoted within culture when workers are treated as friends or even children of the employers to extract more labor, especially those who are women or people of color. The common argument was that menstruation made women unfit for higher education or physical activities (Stein 135). Biologists noticed that women who were higher educated had fewer children, it was considered dangerous to the white racial supremacy. In a form of soft-core eugenics, it was argued that the female body had to be managed and maintained for reproduction only. It was misunderstood that women who were more highly educated were actively choosing life for themselves with fewer children, not that women were unable to have children due to the biological instability that higher education created within them. The fears that as women gained more rights and rejected forced birth, the “othered” people of color would

repopulate at higher rates endangered white supremacy (Stein 179). Higher education led to the sexual frigidity of women and the inability to have children because everything was written in and on the body and biology for a reason (Stein 201). Yet, women and people of color over time are now an active presence in both UGSDW and higher education, these gendered and racialized identities and experiences of the undergraduates shape their labor organizing and how the university views them. As indicated within Chapter 1, student labor is valued as lesser due to the unseen labors that are mental, emotional, and physical, placing these workers at the bottom. The purpose of this study then is to disrupt these stale categorizations by exploring, exposing, and envisioning new possibilities for the underrepresented student labor movement. Despite students coding as white males who do not need to work, isolated private college communities have tremendous space for growing social justice awareness because the diversity of student experiences and demographics are so vast. These multiple intersections of experience are at odds with the Trustees and those who hold power on campus. Students (those on financial aid) try hard to find jobs and have little luck outside of their campus community since the city revenue is dependent on the college. Overall, during their attendance at Grinnell, ninety percent of students will work on campus, therefore unionization is a concern of the majority of those attending as they seek to balance their studies and their employment (Grinnell College).

UGSDW Inception

In 2016, Grinnell Trustees voluntarily recognized the dining workers union within less than a month in case number 18-RC-174071 (NLRB, 2016). Former President

Barack Obama's liberal-leaning NLRB agreed, despite the *Columbia* decision still in adjudication. Voluntary recognition means that the employer and employees have negotiated a neutrality agreement where the employees, believing they will win, can have their union election and the employer agrees to accept the results neutrally. The rhetorical power of voluntary recognition cannot be downplayed, as meeting with the employer on their ground and asserting equality as an employee, even before collective bargaining, is an act of a powerfully organized group. Support for the union is the greatest factor in arguing for voluntary recognition, yet it also consists of wording the process as a favor to the workers less than a demand for card check, or majority sign up. The employees had signed a representative petition, agreeing to exclusively represent themselves on February 14, 2016, and they filed a *letter of certiorari*, e.g., an important question was raised by the status of these employees (NLRB, 2016). Despite the *Brown* decision still being in place and the anticipation of a positive ruling for *Columbia*, UGSDW were ruled as employees. Therefore, the NLRB reviewed the letter the following day, accepted it, agreed to an election, held an election, and tallied the ballots, with a 90% majority (Brophy). Grinnell Trustees did not see any issue within their mission of liberal arts and free speech for dining employees to have a union on campus. The dining employees campaign worked mainly because the employer did not contest their election.

The NLRB decided on April 22, 2016, that the dining workers were legally protected employees (NLRB, 2016). The document is protected because it is based on a neutrality agreement between employer and employee (and not the NLRB itself) and items must be redacted before public release. Currently, it is only available via a Freedom

of Information Request (FOIA), and this work specifically is focused on the rhetorical power of public documents and discourse for civic education. Despite *Brown* setting the precedent that not all workers at private universities were categorized as employees, Grinnell Trustees agreed the dining workers were employees, even though the undergraduate laborers did not have the legal protection to enforce it. As such, Grinnell Trustees and UGSDW could identify that a small unit of dining workers were employees and become consubstantial. To both parties, students could be scholars and employees. UGSDW saw a union win as an opportunity to further expand and claim rhetoric of employee through the courts by continuing what they already began: a union for all job titles and classifications. The Grinnell Trustees saw dining as a disconnected position only situated within the body separate from the educational work of the minds of Grinnell students. Overall, dining was a temporary position in the increasing “gig” economy of youth workers who work for financial exigency and experience. Like the journeyman, these student employees were working for funding and skill-building.

A journeyman is a temporary laborer who works within the day, coming from the French word *journée* and Latin *diurnus*. He wears dark clothes to hide stains and a hat to protect himself from the sun, his possessions often on his back and travels to gain experience before he is allowed to join the guild master’s craft. While he is qualified to work, he is not qualified for membership. He may drop by the gentleman scholar’s estate and exchange a day’s labor for a day’s pay. It is this journey where he grows from boy to man that is coded as the journey from unskilled to skilled. As Allison Laubach Wright’s chapter in “The Rhetoric of Excellence and the Erasure of Graduate Labor,” in

Contingency, Exploitation, and Solidarity: Labor and Action in English Composition

argue that the labor of graduates is abused through the apprentice model because it helps universities and not graduate students. Wright builds on Kevin Mattson's work which connects graduate workers to journeymen, as once their employment options were reduced, the apprenticeships continued into contingency as permanent journeymen (272, 275). I extend this discussion to the case at Grinnell College to draw parallels to undergraduate employees because they are no longer indentured to the law and with the university as their parent. The student employees may not yet work as self-employed master craftsmen, i.e., as those who have graduated with a bachelor's degree. Instead, student employees labor in an in-between stage earning a day's wage at their university. Grinnell Trustees consider their student workers to be just that temporary day laborers rather than employees under these old-world considerations of the law.

One of the exclusionary arguments from the Grinnell Trustees was that employment provided educational experience once students eventually joined the workforce. They had to accept their lack of power and continue to extend their period of training, even as legal adults, and workers. A journeyman or apprentice (the more common term today) implies that the worker is qualified, but they are not fully competent to work alone. The argument of the journeyman or apprentice mode is an institutional exclusionary rhetoric tactic to provide private university laborers with a stopgap or a "not yet" they singularly will soon be "good enough" to join the elite circle and be considered employees upon graduation. As Karl Marx so eloquently puts it, all history is class struggle, "Freeman and slave, patrician and plebeian, lord and serf, guild-masters and

journeyman, in a word, oppressor and oppressed stood in constant opposition to one another, carried on an uninterrupted, sometimes hidden, sometimes open fight, a fight that each time ended either in a revolutionary reconstitution of society at large or in the common ruin of the contending classes” (2). Marx, by stating the lineage of these hierarchical titles based on the power of the oppressor over the oppressed, believed firmly that the categorizations of workers would continue just under new names and definitions until the revolution. Historically race, in Marx’s words, was a byproduct of economic issues and was classified as natural and inherently hereditary; however contrastingly, he believed that racism would eventually collapse as a category completely in favor of the working-class as one single race (Van Ree).

While journeyman was en-vogue in Marx’s era the term was meant to split vocational workers from intellectual workers, while student employees straddle categories. They are not defined by these old-fashioned concepts of membership to the community. In “Re-Thinking Hand and Brain” Rose similarly argues that categorized employment positions limit the understanding of workers as both cognitive and physical beings when they are performing labor on the job. Workers at Grinnell neither remove their brains from their bodies before they serve food to their fellow campus community, nor do they forget to swim when they serve as campus lifeguards. Legally they are all employees and are guaranteed the right to collectively bargain on their working conditions. While unions have made advances within worker rights, the class struggle and inherent instability of capitalism remain. Marx prophesied revolution by joining together one of the largest collected revolts in the entire world: one of the workers. While national

revolts have not occurred yet, the message of the manifesto is clear that class distinctions are inherently built into our society, and only through action can collective change be sought.

The rhetorical construction of self-made man is embedded within these university institutions based on capital, the journeyman will eventually become an employee, and rise from positions based on physical labor to one's based on intellectual labor. The implication is that the male individual freedom fighter will eventually win and overcome the instability of his position into upward social mobility (Catano 122). There is no mention of assisting anyone who needs help rising with him. These *doxas* or gendered scripts that guide behaviors are rhetorical actions of cultural needs and desires about men and society. Continued dependence on corporations for work, unions for brotherhood, or the intimate notion of solidarity makes one less manly and prone to reflect on cultural anxieties of feminization through cooperation (Catano 90-91). The cultural myth that masculinity has been destroyed through decades of worker oppression, strike-breaking, and decline in the power of American unions, remains embedded in this romance (Catano 119-20). The university in its inception was to educate clergymen and that is buried within romanticized conceptions of white masculinity and the gentlemen scholar; it is only a certain type of individual man who should undertake this life of the mind. It is inaccessible to others who must labor as journeymen longer and longer. Therefore, the joining together of private undergraduate employees into union movements emphasized more than bread-and-butter economics issues. They pushed for recognition of their labor as valuable, they pushed for social justice, against the concept of the inherent power

dynamics within the employee versus journeyman and the binary of the body and mind. In effect, to paraphrase Lorde, these workers understand that no one employee lives a single issued existence. Only by embracing bottom-up mobilization movements emphasizing both economic equity and redistribution of campus power can an egalitarian campus be built. As Bosque put it in *Higher Education and the low-wage Nation*, both graduates and undergraduates now share this same paralleled existence. Both mental and physical labor can co-exist and continue longer than four years, “Like graduate employees, undergraduates increasingly find that their period of ‘study’ is, in fact, a period of employment as cheap labor” (Bosque 136). There is no promise that attending a private university will lead to a stable and well-paying job, either in graduate school or undergraduate, as a result, the rhetoric of the journeyman is a fallacious one. Labor is not temporary, it is ongoing.

The Union Expansion Case at the NLRB

In the next year, UGSDW moved quickly through the union campaign cycle from a showing of interest to building a committee, winning their election, and negotiating a first contract with full support from Grinnell Trustees. The survey of the membership was completed, a constitution was composed, and within six months a tentative agreement (TA) was accepted and UGSDW had a binding collective bargaining agreement with their employer, guaranteeing paid breaks, training, grievances, ten dollars an hour minimum wage and an extension of these rights in solidarity both catering and local high school workers in the cafeteria (UGSDW). To connect the student-employee to the racialized position of non-student worker, it is interesting that UGSDW fought for the

labor rights of local high school students who are overwhelmingly white. Overall, UGSDW chose to take small risks for those within their legal community of interest for collective bargaining. However, they did not conduct similar work within building community solidarity for all low-wage workers those of color at Grinnell. Notoriously, collective bargaining contracts within strictly voluntary unions often do not have federally protected work stoppages-- i.e., if the employees engaged in a strike action or walk off, they are subject to termination. The dining workers were not satisfied. They extended their reach into representing the employees at Spencer Grill, another on-campus restaurant, and sought a cost-of-living increase in their next contract after turning down the previous two contracts for being too low (UGSDW). UGSDW built up their confidence as a small organization, growing and learning about labor rhetoric and actions through their full year of study, slowly gaining these small wins over time. Grinnell Trustees gave their full support of the dining union, yet when the student employees sought to expand, they disagreed with the terminology. The offer of a small concession in place of punishment is called carrot over stick. A carrot is an example of soft power and a “give” when the stick is the real power. When employers offer the carrot over the stick, they are rewarding the employees only to withhold from and punish them later. Through its attempts at citing the importance of their educational mission and the life of the mind, Grinnell College Trustees acted like any other employer when they disagreed with their workers.

UGSDW never dreamed their claim of the rhetoric of employee would move to a national debate about the value of undergraduate labor. They went public with their goal

of a fully unionized campus of all student workers the following school year and filed for an election, initially seeking neutrality from the university. They didn't want the appetizer with a union of two hundred and fifty workers; they wanted the full meal of nine-hundred workers out of a fifteen hundred student body (NLRB, 2018). They engaged within two key concepts of union movements on campus: finding and building leaders and a series of membership tests (McAlevey 156). Union elections are held and won by a supermajority, based on solidarity and collective action which are the only ways to build strong movements (McAlevey 241). From two hundred and fifty employees, they sought to expand their power, capacity and reach the nine-hundred student employees on campus. Grinnell Trustees agreed with both unions and the dining hall union, however, they disagreed with a wall-to-wall union strongly reversing courses from their earlier acceptance and requesting a hearing. A union for the dining employees was small potatoes to them and they did not contest it because they assumed students only engaged in physical labor at a dining job. The idea that a food service worker would have an independent thought about their working conditions was a foreign concept. Nine hundred unionized on-campus workers were a threat to both their power and capital as an institution. Following their statement, released after the election of all on-campus workers, Grinnell Trustees wove around any attempt at naming their students as employees save the dining employees, who already legally won representation:

Grinnell College makes every effort to maintain strong partnerships with the unions on campus. The College did not oppose the efforts to form a union to represent student dining services workers in March 2016. Union certification

elections were held on May 5, 2016, and the Union of Grinnell Student Dining Workers (UGSDW) became the first independent union for undergraduate students in the country. The College has enormous respect for student workers and the important roles they play for our entire community. UGSDW has the exclusive authority to represent student dining services employees in negotiations with the College over terms and conditions of employment, such as working conditions, pay, and benefits. The current bargaining unit agreement between Grinnell College and the UGSDW will expire on June 30, 2019. The College and UGSDW are currently engaged in negotiations for a new contract. (Grinnell College)

The main argument from Grinnell Trustees at the hearing was the focus of Grinnell as educational rather than employed labor for these workers, despite the *Cornell* ruling in 1970 citing universities as both financial institutions and educational ones. The *Northwestern* case was cited as supportive to their argument that unions for undergraduate employees were invalid, due to the NLRB declining authority on football players (NLRB, 2018) while the NLRB refused to rule, they only did so because football players labored at both public and private institutions. This misreading and misunderstanding of the NLRB's long role with football players that has vacillated from declining jurisdiction in 2015, offering clarification and a positive memo in 2017, to currently stating the Columbia does apply to some football players (Abruzzo).

Secondary arguments were that collective bargaining was interference with education (tied to their core argument of the university as an educational institution),

student employees were not a community of interest and should not bargain together, and students' privacy regulations could be endangered with a union. The privacy conversation is an interesting quandary. Students are protected by Family Educational Rights and Privacy Act (FERPA) and legally universities may provide directory information for students without written assent (U.S. Department of Education). Once a union election is triggered, an employer must provide an excelsior list that includes contact information for those who are in the union. Unionization only requires legal disclosure of material that is already legally allowable. Within the hearing, Grinnell Trustees divided up the campus jobs between education (78%) including: research assistant, resident assistant, leadership and career-oriented positions and labor (22%) including: lifeguard, mail services, facilities, athletics and other (NLRB, 2018). Kingston testified that student employment was part of their campus experience of transformative learning (NLRB, 2018). Although, he did admit that lifeguards and other “nonacademic” positions were still allowed during their free time to study (NLRB, 2018). Student work, despite being paid as employees, functions as on the job training:

The vast majority of it, 78 percent of it, is very clearly educational in its nature, and not labor. We—a few categories, dining, lifeguard, mail delivery work, we don't make the argument that that's a substantial educational experience... So the students that we hire to help craft and shape and maintain that learning experience, we think, is very important. And we think there are some that are—that are less directly tied, and—and dining, clearly, is one of those. (NLRB, 2018)

According to Kingston, the educational mission of Grinnell is clear, students do not attend college to work (52). However, many of them must work to attend Grinnell in the first place. Being in a rural location, there are not enough local positions of employment for the influx of students who attend and need capital to survive. Spaulding Manufacturing, a former carriage maker, no longer exists and Grinnell College has remained the major employer within the area. They rested their case confident the NLRB would consider student employment as educational, within the mind and not the body (NLRB, 2018).

To recap the Grinnell Trustee arguments were as follows: students were not employees under Section 2.3, the ruling would strike “a fatal blow to the heart of a Grinnell education” because they did not share a community of interest and a union would separate the poor from the wealthy and collective bargaining was not legally bound (NLRB, 2018). The reasons are both emotional and theoretical and not bound within the law. The life of the gentleman scholar is a romantic one; it is bound up in disentangled feelings and theories within the mind about how the world used to look. Unionization presents a direct threat to the ruling class system. As journeymen, these students do not have access yet to membership in guilds, they only have the potential to join after graduation. Student employees had to accept their lack of power and continue to extend their period of study, even as legal adults, and workers.

Dr. Kesho Scott was the only person in a nearly five hundred pages of court transcript to substantially address race at Grinnell. Scott claimed that students of color attend Grinnell due to the substantial financial aid and that diversity was initially resisted

on campus until recently (NLRB, 2018). Diversity was resisted as a discussion at Grinnell just as class is currently being resisted. While she was called on to testify for the employer, her testimony is important because she's one of the few faculty of color at Grinnell who argued that students both lower class and of color have to negotiate their role and experience at campus and community that was not built for them (NLRB, 2018). Scott argued that UGSDW were not employees and furthered the college notion that implicit bias would be created if students were only focusing on work in place of studies, promoting the "caste system" ideal that the university set out in their original statement of position (Grinnell College). Scott additionally claimed that student organizations and classroom settings are the places to address diversity and inclusion:

But I think more importantly have been my colleagues who have began to bring race with, race and gender, to bring class issues to the curriculum.... So I think that's the pressure that many students have felt. And this has been not just for students of color, but for students who don't come from those socioeconomic backgrounds where they have—where money and privilege have been part of their experience. (NLRB, 2018)

While unionization cannot address all issues of racial disparity at Grinnell, social justice unionization can provide legal avenues for workers who have been discriminated against and higher pay rates than those without one, as this chapter indicates.

Scott is both a scholar and diversity education professional, "coming out" on behalf of diversity within the classroom clearly speaks to a broader need (NLRB, 2018). Specifically, if diversity was being addressed Scott ideally should be ready and able to

show how. Students having to negotiate multiple interlocking oppressions and identities speaks to the universality of this issue beyond the classroom and educational atmosphere. It should be incumbent upon the university to show remediation on this issue if they are to meaningfully claim that alternative action is not needed. Frequently labor is spoken down to under the pretext that its issues should be addressed in another context. Laborers are often told that their issues are important, but that this is not the way to address them, or that now is not an appropriate time for decisive change. Such assertions must always be viewed as suspect when these things haven't been done in the contexts already controlled by the institution, and especially when the institution offers no context for change in which it can be held directly accountable. It is self-evident that the workers' concerns have not been addressed, and likely will not be addressed, if left to contexts not controlled by the workers. Scott's testimony claims that the union relationship has not changed her advising role with students in dining services and that student employees are hired due to their skills and their work can vary from either physical or cognitive (NLRB, 2018). Student assistants working for a professor can be educational through a student completing research or readings or physical activities such as setting up PowerPoint in a classroom (NLRB, 2018). Scott's goal as an educator is knowledge transfer and that should also apply to one's workplace even if it's on campus at the same intuition where one is studying (NLRB, 2018). Lastly, Scott claims that each and every student brings a different body and experience to the classroom, "every student lives a life in the body they bring to this campus" (NLRB, 2018) which means in essence that student employees labor and learn in many ways. Students learn in class, outside of class in advising, and

can learn on their own within the workplace no matter how the university denigrates their labor. The education versus labor component is an either-or fallacy created by lawyers to strip Grinnell employees of their legal rights.

Four undergraduate laborers testified. Caitlyn Richter, Peter Cipriano, Allyson Leicht, and Quinn Ecolani, current UGSDW president, all cited that they were both students and employees (NLRB, 2018). Ecolani continued by citing her increased financial burden, “My earnings go completely to the payment of tuition...” (NLRB, 2018). Furthermore, regarding work, Leicht stated, “I can’t afford not to “(NLRB, 2018). She stated she worked between twenty and forty hours a week and received food stamps (NLRB, 2018). There is clear financial motivation to work within the college as an undergraduate. In response to Kingston’s statement on serfdom, Cory McCartan, the founder, and UGSDW advisor, in response to this stated:

To the employer's absurd and offensive assertion that collective bargaining would lead to a caste system and a underclass of SERFS, which I know they have tried to walk back, but it's still on the record, and while couched in different language, goes to the same thing. I mean, I don't know what to say. If the employer's concerned about inequity between low income students and the wealthier peers manifesting itself in terms of campus employment, I'd suggest they take a hard look at their current system. (NLRB, 2018)

Just because a college can admit students who are in penury does not make them exempt from being held accountable to the same standards as any other business. The assertion that low-income students should be grateful for jobs and if a union developed

they would have to cut positions is both offensive and illegal (NLRB, 2018) While Grinnell Trustees claim they should be exempt from undergraduate unionization due to their educational role, they cannot forget that students can, must and are laboring on campus and are subject to the same laws.

Their purpose document filed with the NLRB made clear that the Grinnell Trustees sought to exclude legal employees within their language choice by stating unequivocally under the “Excluded” tab, “All student employees except dining services employees” meaning they knew their rhetoric was fallacious from the start (NLRB, 2018). UGSDW had the legal precedent to win the case and the election was granted because the *Columbia* decision was the law and students who labored on campus did so to pay for the cost of furthering their education. It didn’t mean the students had to divide themselves between mind and body between work and class. Students learned about unions and unions work at Grinnell College both in the classroom and in the workplace.

The ruling stated UGSDW were employees following the precedent of Section 2.3 of the NLRA via *Columbia*. One of the major reasons for the ruling was that according to their tax forms undergraduate student employees were named employees and even if the institution failed to provide them with tax returns, legally they were common-law employees (NLRB, 2018). Moreover, logically, the employees have the same hours, salary rates, employee handbook, community of interest, and maintained daily operations of the college in their floor-to-ceiling bargaining unit.

Grinnell Trustees requested a stay of election or impounding of the ballots. A stay of election and impounding of the ballots is a stalling technique to slow union momentum

and a direct challenge to the inclusivity of the membership of UGSDW (NLRB, 2018). The ability for employees to have an election and freely choose representation and physically remove the opportunity to see election results is an act of aggression. By stating their reasoning behind their lack of inclusivity, Grinnell Trustees continue to claim that the *Brown* decision, which cited student employees were students and not workers, rather than Columbia precedent, is the more valid one. Claiming UGSDW were not employees and *if they were* employees, the decision would be overturned anyway is neither a solid nor consistent argument. Additionally, the claims of unionization raising campus dissent, costing the university additional time and resources, is particularly intriguing as the attorney representing the Grinnell Trustees is Proskauer Rose, one of the most expensive firms in the country. Fears regarding strikes are the primary focus; one exhibit is a screenshot of a “liked” Twitter post regarding work stoppages. When UGSGW attempted to file for one of the largest undergraduate private labor unions in the US, they sought to embody the wall-to-wall union labor principle, “an injury to one is an injury to all.” Organizer Mother Jones, one of the forerunners of the IWW believed solidarity was the key takeaway from unionization movements and rhetorically embodied her message of inclusivity for all working-class. Through joining together and collectively identifying with the principles of solidarity through the shared title of employee, UGSDW continued defining themselves as laborers. What Grinnell opposed was not inclusivity, but the power that could be maintained behind an active student labor union, advocating universally and in solidarity for ten dollars an hour. UGSGW responded that stating the failure to provide employees with collective bargaining is a

failure to apply the justice for all paradigm because the dining employees had a union while the other employees did not. Furthermore, a *Columbia* appeal was not in adjudication and there is no defined harm made from labor unionization. UGSDW held its election on November 27, 2018, and won 80% of the vote with 274 for the union and 54 against (NLRB, 2018). The unit was certified the following week.

When Grinnell laborers of UGSDW had a certified election, Grinnell Trustees challenged, going as far as to place their petition up for review seeking to overturn *Columbia* opening all bargaining units, both private graduate and undergraduate employee, to nullification. UGSDW sought every method of conciliation to prevent the review stating: they would not strike in the course of their first contract, maintain minimum wage, follow privacy guidelines, and would not affiliate with a national and parent union for three years (Grinnell College). The restrictions are after Grinnell Trustees threatened to remove student employee positions and only give them to those whom they deemed economically required, which is a violation of the law and an unfair labor practice (UGSDW). However, by appealing the case Grinnell Trustees placed the election petition “under review” endangering the rights of all those who gained their legal rights to the *rhetoric of employee* in 2016.

In February of 2018, all graduate employee private university bargaining units with their petitions “under review” including UChicago, Yale, and Boston College withdrew their petitions simultaneously through the NLRB months earlier in an act of solidarity. Each unit no longer allowed themselves to be considered employees with the NLRB. This withdrawal was a collective vision to begin organizing coalitions outside of

the traditional union protected format that had lasted for ninety years. In that time, no private university laborers could file for an election or have a petition “under review,” because such action would trigger another appeal allowing a case review and approximately eighty thousand private university employees’ rights would be endangered. This began when former President Donald Trump appointed John Ring, noted anti-labor advocate, to lead the NLRB. The added provision of the Taft Hartley Act was the inception of the NLRB which was intended to function as an independent and unbiased council, however, the NLRB changes their mind regarding labor law as often as political administrations do (NLRB, 1947). Post NYU strike and as chronicled by *The University against Itself* the NLRB role as an apolitical advisory board with the best interest of the nation at heart is no longer feasible (Nelson 255). The NLRB continued to lack clarity on the employee status of private university laborers, instead of keeping them in limbo where no elections could be conducted. UGSDW had the legal right to file for and win an election with all employees, but Grinnell Trustees had the right to challenge them in their push for collective bargaining, and because the NLRB was in their favor, they would win.

To avoid silencing the majority, UGSDW silenced themselves and pulled their petition with the NLRB while still advocating for their rights as employees. By pulling their petition they embodied the principle of social justice through maintaining the *Columbia* decision for all, rather than pushing forward for their singular union movement. Trustees initially sought to maintain their appeal to the higher courts and strip all private university laborers of their rights to collectively bargain. After UGSDW’s

occupation of Kingston's office with a sit-down action, the Trustees subsequently pulled their petition against UGSDW after continued public pressure. While the physical occupation is a tool of laborers, it became a tool of peace, non-violence and now is a tool of any broader labor movement which seeks equality. UGSDW's sit down strike allows for the university systems to see the connection between body and mind, as the students planned, executed, and enacted an organizing effort to refuse bodily labor on campus until their demands were met.

The sit-down has an important rhetorical contextual history based on unionization and movements based on membership. The tactic began in Akron, Ohio, where auto factory workers scheduled to play a baseball game all sat down in place of playing with a non-union umpire (Brecher 177). A sit down is an action where workers deny the owner of the means of production using their bodies, by sitting down and occupying a place of labor. It is more effective than a walkout because they are unable to replace either the bodies or minds of workers, they are placing their bodies in the way of productivity to get what they want. The sit-down was later used in labor actions by both autoworkers and retail workers as an effective tool to show solidarity and power. It spread throughout different communities of employees because, as Brecher argues, no organization can run without the workers who manage the business as usual (205). Later civil rights activists, anti-Vietnam student protesters, utilized the sit down as a tactic and even housewives to challenge their unfair treatment as a strong non-violent way to let their voice be heard (Brecher 345). By occupying the central hub of the authority behind Grinnell, student employees acted for the good of the collective labor movement for undergraduate

laborers by using a tactic that originated with workers of the laboring class. A sit-down is a tool used by students because it disrupts the life of the mind versus the life of the body binary, by showing the university that students can think and act on their values and use their minds to refuse bodily labor. At Grinnell, the sit-down was a planned action during the school schedule where students left either class or work and occupied the central hub of power, the college president's office. By withholding their labor and disrupting "business as usual" they made their vital work to the college visible.

The present precedent is *Columbia* which ruled all laborers at private universities, graduate and undergraduate, have the right to collectively bargain. September 23, 2019, without a case to adjudicate, former corporate lawyer, Ring, released an agenda stating the NLRB was breaking with precedent by reviewing the Columbia decision unilaterally (United States Government, National Archives). They corrected the proposal on October 16, 2019 (United States Government, National Archives). The proposal was made open to public comment. Over 13,000 comments were submitted, and the proposed ruling would affect over 57,000 private university laborers (National Center for Education Statistics). On November 11, 2019, an anonymous worker sent in a comment, highlighting the increasing financial need for undergraduate university laborers:

I am a student worker at Grinnell College and I am afraid that this rule change will not protect me or my rights as a worker. I want to know that I am treated fairly as an employee of my college. And I am an employee. I need to work in order to afford my living in Grinnell. All of the rights of student workers need to be respected and it's despicable that the government wouldn't stand with those

who work to make this country work. Workers rights need to be respected and we need to be protected! (National Labor Relations Board)

The rhetoric of employee is articulated here within an inclusionary method. The word “employee” is repeated twice as well as the terms “student” and “worker.” The phrasing shows that the identity of a student often is based on multiple vectors within their working, living, and studying experiences on campus.

The newly elected President Joe Biden, a supporter of the Grinnell union movement, made the aggressive move by removing Ring as Chair of the NLRB and selecting Lauren McFerran in 2021. Presidents do not generally remove appointees unless they are accused of misconduct and the removal of Ring as Chair was a breach of protocol. Therefore, by Ring breaching protocol by threatening the *Columbia* precedent without a new case, Biden removed him from his chairship. The impact of this will be wide-ranging, with McFerran as chair, the labor board will maintain the precedent of *Columbia* and undergraduate student employees have already begun unionization campaigns again striving for legal victory.

The Union Expansion Case outside the NLRB

UGSDW continued to organize outside of federally protected spaces including occupations such as continued sit-ins and online campaigns regarding lost employment due to COVID-19. By extending the rights of dining employees to the testimony given by college president Kingston to the NLRB of the 22% labor jobs, UGSDW president Sam Xu skillfully chose and used the rhetoric of employee against their employer. The proposal sought to come to consubstantiality through the acceptance of the “third term”

of the labor positions on campus that due to the NLRB review, classified as labor (22%) including: lifeguard, mail services, facilities, athletics and other (Xu). By carefully avoiding any wording that cited an educational aspect of their duty, UGSDW petitioned for this extension of their previously voluntarily recognized rights to other campus employees. Grinnell Trustees separated the job titles based on the body versus mind attempting to rhetorically divide their workers based on class lines. Instead, UGSDW advocated for the partial expansion of their union through the fourteen “labor” jobs and maintained they deserved a union for all undergraduate employees on campus. The Trustees refused partial expansion on February 8, 2020 (Grinnell College). Without a legal body holding them accountable, Grinnell Trustees as employers have all the power. If UGSDW had the opportunity to bargain with their employer over their working conditions, the Trustees could be held legally responsible for their refusal to bargain. UGSDW fought for inclusivity, lost it all, but all six-hundred members are still actively campaigning. UGSDW sought to expand their definition by holistically including all students paid for work at their university but failed to overcome the Grinnell Trustees appeal in a hostile NLRB. Despite objections, this union movement has maintained itself throughout varied employees and political climates, with or without the NLRB from voluntary recognition, legal recognition, and back to voluntarily with strategic alumni and media pressure campaigns situated within social bargaining.

Grinnell College is one of the most selective private universities in the US, with a rate of twenty-three percent acceptance. On average, tuition at Grinnell goes up 2% each year with inflation and is \$53,872 (Grinnell College). According to “Trends in College

Pricing from the College Board in 2020”, the education cost in all institutions continues to rise, “Over the 30 years between 1990-1991 and 2020-2021, average published tuition and fees increased from \$1,810 to \$3,770 at public two year, from \$3,880 to \$10,560 at public four year and from \$18,560 to \$37,650 at private nonprofit four-year institutions after adjusting for inflation” (3). The continued divestment of state financial aid opportunities in public colleges since the 1970s appears to be a punishment for radical labor actions (Caffentzis 46). It often makes more sense to attend a private institution, as financial aid packages are larger, despite the higher sticker price. Federal work-study programs overwhelmingly fund students to attend four-year private universities at fifty-one percent and two-year private universities at thirty-five percent compared to public institutions at ten percent (U.S. Department of Education). Grinnell is no different. While private universities cry for free speech, their actions include stifling a group of undergraduates who have the gall to argue that they should not fall into debt for a four-year degree.

Currently, the dining workers of UGSDW are the only group covered under a collective bargaining contract, however, this win for one group does not mean that justice and protection for all workers on campus are forgotten. As of July 2020, the base wage from ten dollars to ten dollars and forty cents was granted alongside bonuses and a two-year agreement (UGSDW). UGSDW is still gaining ground by inclusively advocating the rhetoric of employee through supporting safe workplaces for their members, racial justice, and tuition reduction. Due to the pandemic, UGSDW won COVID-19 related sick leave for their dining workers. The mail workers demanded similar leave policies,

personal protective equipment (PPE), and increased masking enforcement (UGSDW). Additionally, pre-COVID-19, UGSDW released a report titled, "Racial Discrimination at Spencer Grill" citing that the ratio of dismissal for students of color after three cuts (African American and Asian international students) was three times higher than dismissal of white students which means that students of color are more likely to be fired at a rate of twenty-four percentage points (UGSDW). Therefore, they fulfilled one of their goals as an organization based on membership advocacy for student employees, in particular, international students who had fewer opportunities and options for voice and representation outside of the university who often must show gratitude to university beneficence.

Finally, Grinnell announced that for Fall 2021 all loans would be converted into scholarships for students. This is a major achievement tied to the level of organization for economic justice that undergraduate laborers took part in. By advocating for all employee rights through their union, they were able to temporarily gain financial assistance due to the limitations of on-campus work during COVID-19. What this chapter brings to the discussion of rhetorical inclusivity through the term of employee is that, by acknowledging their legal status and forcing the hand of Grinnell Trustees, UGSDW has been able to slowly continue to gain their rights through championing the rhetoric of employee emphasizing that student labor can and should include both the physical and mental job classifications. The disruption of collective bargaining led to campus unrest; therefore, Grinnell Trustees gave the student employees everything they asked for, in lieu of their legal rights. Returning to the letter of the law, the purpose of collective

bargaining is to prevent industrial unrest, which is exactly what the Grinnell Trustees accomplished when they continued to fight the law stating that student employees, even undergraduate ones, were legally able to collectively bargain.

This study offers a reclamation of the work of undergraduate laborers through a textual analysis of their legal rhetorics. Work has been discussed in our discipline through cognition and thought processes, however, by conjoining both bodies and mind this offers a view of rhetoric that moves beyond the narrative into the legal intricacies of NLRB cases. Employees can both legally and rhetorically name and shape a movement by countering institutional hierarchies. The rhetoric of an employee is logical and reasonable, following the direct letter of the law. UGSDW sought a wall-to-wall union certification of all campus employees but still manages to maintain itself as a coherent entity with approximately six hundred members despite thus far achieving its goal of full representation. While humanities disciplines disagree with the body versus mind hierarchical binary oppositions, they ironically fight it in court against their students.

Conclusion

Through voluntary recognition, UGSDW convinced the administration to recognize their union because they were going to win. Other private universities such as Reed learned where Grinnell Trustees did not when they recognized the students as employees, they provided them with an opportunity to continue seeking to build more power and expand their union. Grinnell is situated within a small town in a conservative state and is a liberal institution with strong alumni and student support. Alongside a robust organizing campaign, the student workers were able to garner public popularity

and build pressure from their labor activism, creating a legacy by petitioning for voluntary recognition from a small unit and strategically expanding the definition. Through their advocacy, they sought to create the largest private undergraduate laborer union. Due to the timing of their election, they were unable to negotiate a collective bargaining agreement.

As of May 2021, UGSDW will no longer be an independent union; they recently voted to move with other undergraduate and graduate employees such as those at Washington State University, Stanford University, and Vanderbilt University through an affiliation with the United Electrical, Radio, and Machine Workers of America (UE) (UGSDW). The UE is a smaller, locally driven, and Pittsburgh based and now works with public, service, and university employees based on the principles of member-driven democratically based locals. The proposal and subsequent membership acceptance bring undergraduate employees back into the forefront of social justice unionization, the UE is known for its independence, militancy, and progressivism. According to Dale Hathaway, the UE maintained equal pay for both women and men but was substantially raided as a result of both Taft-Hartley and the anti-Communist raids, therefore, UE suffered massive membership downturns over the years, yet has maintained its goal to be both social democratic and member-run. Overall, student employee unionization efforts are looking towards non-traditional means such as independent unions or independent parent unions not subject to the AFL-CIO to emphasize justice for all workers rather than bread and butter unionization issues such as benefits and pay.

Inclusivity requires that undergraduate students who labor have the same rights as employees on campus, undergraduate laborers at Grinnell continued to maintain the rhetoric of employee, despite the fluctuating legal barriers. Through enacting social bargaining by rhetorical persuasion, UGSDW maintained they were employees while asserting they deserved compensation for lost jobs, protection, and leave for COVID-19, and racial justice for all workers. This study examines how the rhetorical inability to focus on these movements has led to the continued prevention of building collective power. Through a dual focus of both law and force, the mind and body, the movement created by UGSDW have created hope in the dark for other undergraduate laborer's who are struggling with low pay, harassment, and failure to be heard or protected by their workplace. By holding the employers who own the capital accountable and following the dictated labor laws, they credit the rhetorical moves and modes previous organizers struggled and died for before us. Demanding and creating the space to be heard does, little by little change the world. For example, according to *Solidarity Unionism at Starbucks*, on a hot day baristas in the Midwest left work and purchased a fan, leaving their supervisor to make drinks, when their employer refused to air condition their workplace (Lynd and Gross 33). Buying a fan won't change the world, but it certainly gave service workers preparing food and drinks some comfort. Waiting for justice is not possible and living day to day is not a theory, only by standing up and joining together can collective change be sought.

Legal rhetorical strategies are not the only path to building power, and where legal rhetoric fails, other forms of rhetorical solidarity and self-identification can step in

and still produce actions that lead to victory on issues. As Bryan J. McCann argues “borders of engagement” within activist circles must occur both in and outside of the ivory tower and in and out of legal strata because the universities themselves are not blameless for their culpability in the systems of power and their manipulations of said systems (22). Undergraduate laborers sought to build a role for themselves within the wider labor movement through embracing their legal rhetorics. The negotiations that play out through the courts within the rhetoric of employee, further discussed in the case of University of Chicago.

Chicago was a case of library employees who followed the practices of a fair and free election and were stymied by their university through rhetcon rhetrickery. The laborers only filed in one small bargaining unit, sought their legal rights of employees, but were constantly confronted with the university's need to retain their elite name rather than to admit their university could no longer provide capital from name recognition alone. As the student body of universities changes, the assumption that they are laborers in both mind and body continues to be challenged. While Grinnell Trustees initially were union-friendly and supportive, they disagreed when a union of one of their largest campus labor forces sought to have their employment rights validated. After public pressure from their push to invalidate the *Columbia* decision, they withdrew. UGSDW continued to organize, even when their legal rhetoric could no longer be utilized through acting and enacting the law like a union. Grinnell had no reputation on a national scale and sought to move away from bad press and give the undergraduate laborers everything they wanted and needed except their wall-to-wall union, UChicago already sought to

overturn the NLRB rulings once and had no problem with investing time, money, and tricks to do so. Trustees of Grinnell made their arguments clear; they believed that *Columbia* was incorrect and would be repealed. Yet, UChicago attempted every other argument first and withheld their sincere desire to overturn *Columbia* after a nearly three-year battle. Chapter 2 examines the further divide between the body and mind at elite universities and how much more difficult it is to organize due to both class differences within workers who are deemed unskilled and temporary by their employer despite the legal precedent.

CHAPTER III

UNIVERSITY OF CHICAGO: WE HAVE ALWAYS BEEN LABOR

Chicago has always been a hotbed of labor activism. On May 1, 1886, workers marched and sang about their desire for an eight-hour workday, “Eight hours for work, eight hours for rest, eight hours for what we will!” Sadly, merely three days later the Haymarket Affair injured hundreds and killed more than ten citizens, leading to the hanging of four innocent men. Yet Chicago, as a city with the blood of ordinary working people pooled through the streets, persisted in demanding recognition for the contributions of labor. That is why May 1st has since been known as Workers’ Day. Even as the nature of employment changes, the deep roots of organized labor in this city still underpin and inform how residents work and live. And if employment is becoming more contingent, more precarious, more “gig,” it is that history of labor consciousness that will guide us forward. A period of relative calm among workers appears to be ending, replaced by growing concern, as prosperity and security erode in the new economy. At the same time, workers have become increasingly cognizant of the cost of complacency, of taking for granted historic labor militancy, and of allowing workplace advocacy and unions to nearly disappear. Union density in Illinois is currently 14.3%, which remains at a high level but is no match for New York at 22% (United States Bureau of Labor Statistics). Today, skilled, and unskilled workers are rethinking that complacency and seeking to rekindle the labor militancy that made unions a pillar of prosperity for Chicago.

University of Chicago (UChicago) library employees of the Joseph Regenstein Library, or “The Reg” as it is colloquially known, full of the spirit of May, filed for their union election May 8, 2017 (Illinois State, Court of Appeals, 2019). It would take more than one year after they won for them to charge the university with their failure to bargain with a legally certified group of employees in violation of the First Amendment. As a member and organizer, Katie McPolin argued the reasons for unionization were the lack of control over her working conditions and hours. In essence, by creating SLEU, student employees sought to gain legal access to a clear employment procedure with a set and predictable schedule, as well as rights against harassment, accessibility, and labor law violations (McPolin). Due to its reputation for intellectual rigor and hardworking and ambitious students, the unofficial motto of UChicago is “the place where fun goes to die.” The Mansueto Library is the most recent architectural addition. It is a giant cobalt glass-domed ceiling that sparkles in the Chicago sun. In another life, this site was known as the site of the first nuclear chain reaction. Although there are still atomic reactions going on at that same site, they are now the result of UChicago's failure to bargain with their employees and the subsequent denial and refusal of the NLRB to overturn the employee's petition.

UChicago students and library employees alike are often hanging out and enjoying the Black walls and sticky floors of Woodlawn Tap or studying all night at “The Reg.” Its brutalist cement blocks emphasize the brick-and-mortar appeal of the stoicism and focus that UChicago scholars are often known for. The student body is split evenly between male and female. Racially, UChicago is a predominately white campus with

approximately thirty-seven percent attendance and Asian students are the highest concentration of minority on campus with approximately thirteen percent attendance (University of Chicago). Overwhelmingly, students who attend UChicago attend full-time at a nearly ninety percent ratio. The full-time ratio of attendance is the highest number of international students who must attend full-time because of visa constraints.

This chapter will chronicle the nearly three-year struggle and rhetorical strategies used by the union and institution. Approaching the University of Chicago case from a rhetorical standpoint allows us to see how elite universities use their brand of the rhetoric of excellence to prevent the largest group of on-campus workers the opportunity to enact their legal union rights. They did so through a transformation of reality into a method of deceiving the student library laborers and courts. The argument was that they disagreed with the election or temporary status of employees rather than stating they were appealing to change the law itself. Higher education has changed as a system and is more open to those of different social classes; however, this concept is in direct contrast to the hand versus brain binary established by Cartesian thought. UChicago assumes that if one attends their institution as a student, they have access to unfettered wealth and will not need union protections because unions are tools of the lower class. UChicago students are elite, and the name is part of its capital. By university standards, UChicago students attend an elite institution and retain its name on their diploma. While comparatively, Grinnell—as discussed in Chapter 2—as a small private liberal arts institution famed for its value and attention to social justice—did not have the same elite reputation.

Negative press does not affect institutions like UChicago because over thirty-thousand students still apply each year.

The University of Chicago student library employee union (SLEU) chose an established urban union, the International Brotherhood of Teamsters (IBT), Healthcare, Professional, Technical, Office, Warehouse, and Mail Order Employees Local 743, as their collective bargaining representative. IBT 743 has a membership of over ten thousand, encompassing both Illinois and Indiana, with access to member resources, legal and local community support. By choosing a union of healthcare, mail services, and warehouse employees, the members of SLEU named themselves as employees. Yet, at first glance, it is a strange choice for a small group of library employees from mainly white upper-class backgrounds. While images of strolling through the stacks of the library past various histories and collections and being lost in priceless archives is a quixotic one, the prospects are far less romantic. The library at the University of Chicago is the ninth-largest in the entire United States holding more than twelve million volumes and nearly 300 terabytes of digitally archived data (The University of Chicago Library). Shelving books is an act of physical labor, although a less common position now within libraries. UChicago positions tend to focus on online research, metadata and acquisitions, and customer service-based library and technological support assistance. The work is often grunt work which varies from data collection for research projects that are unrelated to the students' chosen career path and serving patrons at the front desk. Therefore, a union based on office workers does seem to fall within the scope of the employment. Teamsters were chosen specifically because they already had an in-born culture of

unionization both at Chicago and on campus, due to their representation of library staff. Small units of laborers at universities often have little power, but by joining in with an already established union, union culture, and similar community of interest, SLEU was able to certify their unit.

UChicago is in Hyde Park on the South side of Chicago and affiliated with organizations around issues that directly affect the equity of Black and low-income communities. Walking past 59th street serves as a stark contrast from the renovated condo buildings replacing low-income housing, a Starbucks, and Walgreens on every corner, a Whole Foods and Trader Joe's replacing the Hyde Park Food Co-Op and Treasure Island local market. It is not unknown to see boarded up windows and reports of shootings at night past 59th on a street one was just walking down during the day. As the work that the community organizer and scholar Borzekowski demonstrate, it is not merely the wealthy student employees from the upper class who take part in union activist work; it is a mixture of working poor and students of color who come together to organize (54). Due to their youth and inexperience, many student laborers do not have union practice and are, in essence, learning as they go. The learning on the job aspect can be troubling as worker identities begin to develop. As Jessup claims in *Steal this University* regarding the unionization drive at the similarly prestigious NYU, the students themselves at private universities often have to deal with their own interior class biases, "So not only were students faced with a university that did not recognize them as workers but they were also faced with a broader community that was not making the connection either" (155). The Hyde Park community, like the Greenwich Village community at NYU, rests on the

university and the capital the students bring into it, not the need for the student employees themselves to be unionized due to poor pay and working conditions. Class is still a major contributing factor to how students at eminent universities are seen. University of Chicago students have been assisting in the local union activist movement since its inception.

From Marxist to leftist to conservative, Hyde Park is a frisson of political activity and community organizing everything from anti-police violence to the need for a level one trauma center. The Hyde Park community learns labor studies and civic literacy in action with the agile activist movement. The Back of the Yards, West of Hyde Park, is where the hub of the meatpacking industrial complex was located and activism occurred there even as early as the 1930s, catching fire with anti-Vietnam war demonstrations and civil rights actions by the 1960s. Upton Sinclair's presentation of the vile working conditions and abuses of power within *The Jungle* started the conversation around health and safety guidelines in the early 1900s, but many forget the socialism and unionization efforts. Meatpacking employees in "Back of the Yards" such as Stella Nowicki began organizing with the help of University of Chicago students who assisted with fundraising and writing material, eventually gaining union recognition despite racism and sexism within her organization (76, 88). While the political landscape of UChicago has always been socially and civically active, the connection between activist work of the mind and labor work of the body was not often fulfilled. Yet, SLEU has effectively re-mixed its representation through a dual conception of unionization as not merely fiscal, but social justice themed breathing life into a mainstream union organizing model. The underlying

conflict between the two union models: the further left social justice union and the liberal traditional (bread and better) economics-based union is ongoing within the labor movement. To serve as representatives of employees, SLEU has chosen a focus that engages both community activism and union activism within one organization.

The legacy of the teamster is business unionism, and the ghost of Jimmy Hoffa still haunts their reputation. This type of unionization is not worker-run, it functions as a third party that exchanges dues for a worker contract and fails to advocate or activate the membership. Business unionism creates an ineffective give and take relationship based on capital. Teamsters are assumed to be criminals, associated with the pinstriped suits and cigars of the Italian American Mafia (Mob) running the crooked transportation industry and sitting on piles of members' money. But they were the most radical employees who enacted justice for themselves based on their own codes rather than following the standard letter of the law because they didn't have federal union protection before the NLRA in 1935. Instead of being labeled a dead or passe organization, teamsters have a much more stolid history and reputation as a well-respected organization that fights for their workers. By representing SLEU, the teamsters were able to rebuild their image as one that effectively fought for their workers. The University of Chicago challenged the library workers' election, failed to bargain, and lost in 2018. After six months, per the NLRB, the refusal to bargain with legally sanctioned employees is an Unfair Labor Practice (ULP), a claim that states the employer violated Federal Service Labor-Management Relations Statute (the Statute) by refusing to collectively bargain with a unit that won a legally certified NLRB election. SLEU utilized a different

approach to inclusivity. They strategically sought out the widest possible union by choosing the community of interest that had the largest number of undergraduate laborers and sought to certify their election before the NLRB changed hands. SLEU picked teamsters who already had a deep connection with themselves as employees within the labor movement and who were already representing library personnel on campus by winning their election and receiving certification before the NLRB chairship took effect.

University of Chicago is known as one of the wealthiest and most conservative institutions in the nation with an endowment of eight billion dollars (National Association of College and University Business Officers and Commonfund Institute). From the treatise on anti-trigger warnings based on free speech and free market politics of the economics college to the increasing reach and spread of the university into gentrifying a traditionally African American neighborhood, UChicago is a bastion of right-wing alumni lamenting about the “good old days” when only certain types of learning and learners were accepted. To mollify donors and maintain their affluence, a letter was sent to the incoming 2016 class on academic freedom and against protected safe spaces resulting in national outrage. Former President Zimmer of UChicago is a noted mathematician and labor union buster. He was previously a provost at Brown University when the NLRB *Brown* case was adjudicated and was essential in the overturning of the *New York* decision, in favor of categorizing laborers at private universities as students instead of employees. Zimmer made it his personal mission to deny bargaining opportunities to any labor union in favor of the neoliberal approach to both the economy and the university. Hyde Park itself is known for its even further left ideals and activism

pushing back at the right-wing and costly institution, despite students from UChicago who are often above middle-class and white.

Hyde Park is located within the South Side of Chicago in a liberal city with high union density with a wide history of worker-led movements and racial tensions. The city of Chicago has a wide history of worker led actions including the Pullman Strike of 1894 and Packhouse Strike of 1921. It is no surprise the most well-known historic union actions both involve the labor of the body over the mind, specifically the organizing of the railroads and the meatpacking industry. Rick Halpern's work of oral histories in Chicago covers the fractious relationship between white and Black workers in *Down on the Killing Floor* and how the Amalgamated Meat Cutters and Butcher Workmen of North America strike was the nadir of unions (Halpern 3). The hierarchies of Black and white workers were apparent early on with lesser job titles and a higher likelihood of being laid off (Halpern 80). Working conditions in segregated areas had no water, heat and were rife with rats (Halpern 83). Black women organizers such as Irene Goins claimed Black workers union hesitance was the fear of the unknown (Halpern 52). White women had different attitudes towards union work, they were ashamed of working in packhouses and engaging in union work. According to Estelle Zabritski white women who had to work implied their husbands could not provide for them (Halpern 83). Active Black women organizers such as Marian Simmons were frustrated with white women's deference to union males leading to Black women organizers perceived bad reputations and a continuing distrust between Black and white workers that took years to erode (Halpern 173, 174). Black workers often scabbed (Halpern 31), worked for company

unions due to economic need or fear of white led- unions (84), or lack of understanding of unionization because unions are not a fixture of Southern life (Halpern 52). It was only in the 1950-60s that packhouses began to move out of Chicago. The only other major industry known for unionization in Chicago is the education profession including teachers, paraprofessionals, clinicians, and school staff led by Chicago Teachers Union (CTU). CTU engages in community-based activism for nearly 30,000 members. Their goals are equitable classrooms from the North to the South side striking eighth times between the 1960s-1970s, 2012, and more recently, 2019. Bearing Chicago's loud and proud history in mind, UChicago is no different from political and social campaigning.

The conservative attitude of UChicago is well known for their orthodoxy. Both G. Frank Lydston and James G. Kiernan (who invented the term homosexuality) practiced in Chicago and studied the sexes to promote the concept of white supremacy over both women and people of color (Stein 179). As stated in Chapter 1 the university system default is to assume the student is a white male. The people who control the academy used race science to exclude non-white and non-male people from the university but also developed that science in the first place. They chose white men who sought to continue their control of the university to maintain their own preeminence and the legacy of that science remains. According to Chad C. Heap in *Homosexuality in the City*, Lydston and Kiernan advanced the study of sexual "perversion" within the academic and university context, which was advocated by the UChicago sociological school (13). Therefore, it is important to remember that UChicago was deeply influenced by the concept of race science rooted in whiteness that included a denigration of queer identity in both men and

women (Stein 179-178). It is no surprise therefore that UChicago is a majority white campus situated in an African American community. While Chicago's Black population is generally thirty percent, African American students at UChicago are demographically representative at a rate of four percent (University of Chicago). Therefore, the study of sexology at UChicago promoted heterosexual white supremacy, considering non-whites and non-men as less evolved as citizens and certainly ineligible for matriculation.

UChicago activists often focus on diversity organizing regarding access to education, housing, and healthcare for African Americans living outside the Hyde Park neighborhood bubble. These clashes between students and faculty have their inception within the student activist movement of the 1960s of which UChicago is well known. For example, Saul Alinsky vetoed the UChicago sociologically distanced stance that slums were bad due to social disorder and sought to re-order them through building community organizations. Bernie Sanders was famously arrested as a student in a protest against Chicago school segregation (Chicago Tribune). More recently according to Horng's article "U Of C Student President Faces Possible Expulsion for Campus Protest" Tyler Kissinger was nearly expelled after holding a minimum wage rally on campus and opening a door to let protesters inside (Horng). The political environment of UChicago has always been highly charged.

Wayne Booth's *Modern Dogma and the Rhetoric of Assent* discusses the breakdown of communications between faculty and students at UChicago that occurred during the anti-Vietnam War protest era. Booth, like Burke, was interested in solving problems and conflicts post-war, considering rhetoric a type of study that engages in

miscalculations. Booth is the embodiment of the conservative life of the mind type of professor who grappled with the new protest culture on campus. Both sides were not able to respond to the other's main arguments or demands. Rhetoric, in this case, did not persuade at all. Booth saw the students themselves focused on dogma based on romantic and modernist ideals within the belief of their truth at a cost to the discourse community of the university. Rhetoric, according to Booth, is an exchange and way to come to a mutual understanding (echoing Burke's points on cooperation). Truth is not fixed and set within Booth's conception of rhetoric, he sought to find a place to share ideas and reach an understanding of mutual assent through understanding. Both the Rogerian concept of common ground, and the Toluminian concept of shared cultural assumptions and values, come together within this definition. Rhetoric becomes a domain where listening, responding, and understanding can occur. The purpose is to reach the elusive assent where two parties can reach a new truth together, Booth seeks to solve problems and avoid misunderstandings.

Booth's conception of rhetrickery, i.e., dishonest arguments, from "How Many Rhetorics?" is useful within this chapter's analysis of the rhetorical contestations of the term employee between SLEU and University of Chicago (11). Each side disagreed with the definition of employee. SLEU argued before the NLRB and won their election and were formally acknowledged after a three-year delay from the university. The public NLRB "Brief" will be examined through the lens of Booth's concept of rhetrickery. The primary and major documents that will be discussed before the National Labor Relations Board at case number 13-CA-217957 are as follows: "Circuit Court Filing", "Circuit

Court Judgement", "Circuit Court Decision" and "Motion for Summary Judgement" within the overall legal brief. The "Brief" itself is publicly available on the NLRB case site. Through detailed textual analysis and investigation of legal rhetorics with a foundation in Black feminist thought and engagement with organizing work and its relationship to the law, this analysis will delve into the labor concerns that plague the discipline of rhetoric that students can be linguistically defined as employees by combining both the labor of the body and mind. This summation complicates the relationship between elite universities, such as UChicago, who embrace their rhetoric of excellence and their growing student body who work to attend university, while seeking a union as inclusive as possible. Therefore, UChicago engaged in a three-year battle of bad and dishonest rhetoric to prevent unionization at all costs.

The NLRB itself was a major player in enforcing this case on a national level and the state court continued by maintaining their previous decision over the University of Chicago's refusal to bargain in *University of Chicago v. National Labor Relations Board*. (Illinois State, Court of Appeals, 2019). Booth uses this definition of bad rhetoric as an argument for building better rhetors and teaching rhetoric within the classroom and for civic literacy purposes. He considered this method of discourse as corrosive to the entire political and media culture leading to his argument of the increased need to teach rhetoric (11). I use the term rhetrickery to classify UChicago's rhetorically exclusionary technique of stopping the new student protest movement which evolved at UChicago and extend it to the undergraduate student employee labor organizing at SLEU, which includes the retconning of the union. Retroactive continuity (retcon) is a literary term where the

context of the world has already been created by a diegetic truth of the world. To retcon is to subvert, contradict or ignore the fact. In this case, UChicago applied rhetcon rhetrickery to SLEU through their continual objection to each aspect of unionization only to finally admit that they were against the union because they were against the law. In this context, UChicago contradicted their arguments in four major ways: denying SLEU's status as employees claiming their temporary status, seeking to delay the election due to exams, claiming to have two unions on campus was unfair and when the election finally occurred it was improperly conducted. Once each objection was overturned, they admitted refusing to bargain with SLEU because they did not believe in the *Columbia* ruling and disagreed with the legal precedent. If UChicago stated they disagreed with the law, and were fighting it to evaluate it in court, they would have saved time, money, and countless hours of work time. Instead, they chose to create a confusing atmosphere of legal rigamarole to bury SLEU in paperwork to prevent the union from establishing and later preventing a contract from ratifying, all in the veiled guise of fairness. They used rhetcon rhetrickery because they didn't believe their student employees were smart enough to realize that they were being tricked, and as laborers, they were not intelligent or experienced enough to go against a university. What this work shows is that the student employees have both a legal right to choose union representation if they wish to and they are smart enough to win. To echo Rose's work, a worker's position has no bearing on their intelligence level and our social system judges those who work with their hands (xviii). UChicago's elite rhetoric of excellence implies that student employees at the library are smart enough to shelve books, but not to have a union. Questioning

established power dynamics and the genesis of Cartesian thought is only allowable in an academic context. When workers built a labor consciousness and placed value into their own physical and intellectual labor at their university employment, UChicago hypocritically fought them the entire way. As Collins makes clear in *Black Feminist Thought*, elite academics and universities believe they are the ones who should be able to produce, engage and comprehend theory and everyone else's experience (viii). While UChicago can theorize and support labor movements, the university argued that could not participate.

Context of Rhetorical Implications of the Amicus Brief of Elite Universities

In 2016 in response to the NLRB hearing on *Columbia* eight of the oldest and more elite colleges in the United States submitted an amicus brief arguing against the notion that private universities laborers are workers. The names will sound familiar, as they are now all recent unionization efforts; attorneys representing Brown, Cornell, Massachusetts Institute of Technology (MIT), Harvard, University of Pennsylvania, Princeton, Stanford, and Yale argued there was no reason to reverse *Brown*. The amicus brief contained myriad arguments urging the NLRB not to reverse course on *Brown* including that its reversal could be harmful to academic freedom and imposing the same requirement on all sectors is harmful. The universities also argued that bargaining should be granted on a case-by-case basis, research assistants are not employees, broaden to all private university employees (including master's and bachelor's), and employment was casual and subsequently inadmissible (NLRB, 2016). The rhetoric of this amicus brief was both exclusionary and ironically inclusive. As the dual use of both the educational

themed positions as “opportunities” and the non-educational as “clearly economic” with no reason to fail to include them within the ruling (NLRB, 2016). Drawing out these rhetorical arguments, by stating *Columbia* should be extended to all private university employees, the institutions in effect legitimized the inclusionary rhetoric of the laborers. If a doctoral-level graduate student who labors on campus is also an employee, then in effect master’s and bachelor’s seeking students would also be subject to the same laws.

This next section will break down each of the legal rhetorical arguments. The first argument that private undergraduate laborers are not employees is because they are students and universal collective bargaining could cause acrimony (NLRB, 2016). The NLRB has no authority over university tuition costs or financial aid packages, but they do have jurisdiction over private sector employment issues. The example of acrimony given was the first private university labor organizing movement to gain a collective bargaining agreement at New York University (NYU) as detrimental to the university itself (NLRB, 2016). The Graduate Student Organizing Committee (GSOC) won certification after a cadre of public pressure actions and an eventual NLRB ruling in their favor in *New York*. An additional point was there was no reason not to reverse *Brown*; besides NYU, no other institutions had unions, and research on the benefits was limited (5). This brief forgot to cite that *New York* was the previous decision not three years prior. The NYU campaign was a combative process because the institution failed to recognize the union members as employees after their first contract. By 2016, there were a number of independent private university unions at both Yale and UChicago, operating without legal certification.

To continue within the second argument, the institutional fear of no longer having power over their assignments and workers was clear. They claimed academic freedom is a concern for both graduate and undergraduate students and that disagreements can harm relationships (NLRB, 2016). Yet, creating a floor for salary and not a ceiling should not be considered active harm and in lieu of sweeping concerns under the rug, union representation allows for complaints and concerns for employees to be redressed, giving them power in their working conditions.

Drawing on the same principles of the first argument, the third argument attests at the institution (unlike the public sector and unlike adjunct labor) economics does not drive their hiring and firing, the workers are selected to be students (NLRB, 2016). However, as they perform a service, trade their labor for pay, and are under their supervision, the laborers technically hold a dual employee and student status. The intended goal of passing the NLRA was to promote peace so business could continue as usual because strikes were running commerce post-Great Depression. Strikes do harm commerce for a reason. It is a work action where employees can take the power back from their employers and force them into recognizing their work as valuable. As we can see from this work, the articulation of the term employee is so deeply rhetorically contested by the institutions because it harms their individualistic scholarly perspective of what a student should be, rather than what the current modern-day student is.

The next two arguments are based on the law. The fourth argument states if workers are employees, it must be examined within their institutional context (NLRB, 2016). Collective bargaining agreements are by nature flexible and based on an

agreement after a member survey and the top issues are bargained with the employer. The mandatory items to discuss are wages and benefits, within those working conditions including health and safety are also covered. Everything else is fair game. Organizing efforts rest on three main principles: have, need, and want. Boiling down bargaining to three main principles is essential; therefore, employees often want in writing what they already have, what they require from their union, and ideally concessions based on what they would like in an ideal world. The fifth argument was legally sound. Research assistants were not legal employees at the time (NLRB, 2016). Graduate employees often fall in and out of the bargaining unit, but often unions still do consider them members, and public unions often “honor” them as employees despite the legal restrictions that vary state by state.

At the same time as this amici brief, other professional organizations called for similar rhetorical restrictions to student employee organizing. The Modern Language Association’s (MLA) major publication, *PMLA*, promoted work by a labor lawyer at an anti-union firm who argued that collective bargaining should be amended to meet both employees and institutions meaning that the law would have to be changed (Abram 1191). While their dual status makes them a different group of workers, they are still entitled to the same rights of employee as everyone else. They later published a clarification when precedent moved against them when the NLRB ruled with *Boston Medical Center Corp* that interns and residents could legally organize for their right to collectively bargain as employees.

The sixth argument is ironically, the most rhetorically inclusive which notes that all private university workers must be classified as employees, which is exactly what happens when *Columbia* is adjudicated. Elite universities legitimized the entire basis of the private undergraduate labor movement buried in a footnote. which shreds any rhetorical exclusionary behavior by elite universities regarding undergraduate labor, stating:

By contrast, it is not unusual for undergraduates, for example, to earn money by serving in a variety of roles whose purpose is clearly economic from both the perspective of the student and the university examples include administrative/office jobs and dining hall jobs, among others. Assuming the students meet the requirement of regularity of employment, there is no policy reason for excluding them from being representative for bargaining. (NLRB, 2016)

The vocabulary of honor, exclusivity, and the opportunity to be chosen and rated as a student at an exceptional university underpins their final argument. According to the brief, workers are casual and upon graduation will move onto other positions (NLRB, 2016). The brief uses NYU as an example. Before argument seven, NYU is used in argument one as the worst thing to ever happen to universities because of the hostility it would create. Therefore, the suggestion that NYU unionization could be both a negative and a positive, due to their exclusion of temporary graders and tutors who do not work for a full semester. This exclusion is stated as the reason for private university unions to fail to exist for any student employees. NYU excluded these workers from their unit because they did not match the community of interest in their attempt to gain collective

bargaining and it should not be the merit for judging whom they exclude from an entire class of workers. The prevention of employees from seeking collective bargaining is still unjust, instead of leaving it up to the employer, the unit themselves must choose, classify, and argue their own community of interest before the NLRB. With all of this in mind, *Columbia* was still ruled on in favor of all private university laborers receiving the right to collectively bargain. This brief offers a snapshot of the major arguments that elite universities enable such as the University of Chicago.

One of the most consistent arguments from University of Chicago and indeed now all private elite universities was their objection to SLEU's unionization effort by citing the limited and temporal nature of undergraduate employment. Undergraduates on average take four years to graduate and turnover, as with any short-term position, is cited as a concern regarding training new workers. Yet, if temporality is an issue, these labor movements prove that private university laborers want more than just justice for themselves; they seek to build a legacy of consistency at their institution because they value their labor and their workplace. While it is considered impolite in the neoliberal world to discuss salary and wages, it is impossible to separate the concept of capital from one's standard of living, temporary or not. Similar to Grinnell College, UChicago is a selective private college in the United States. They utilize their rhetoric of excellence argument to induce students to let the university handle everything for them. Unionization is harmful to their academic careers; they are the uniquely chosen six percent accepted to UChicago and should be grateful. This rhetoric of excellence fits in well with the free market politics of UChicago. They are high in demand and therefore,

should expect students to be indebted simply by accepting them to matriculate. UChicago provides a status symbol and sense of belonging through this model. There is a cost to this perfection and paying for the name erases the real labor that private university employees enact on-campus and the capital that it represents, in essence, at UChicago the mind and body are divided.

History of Elite Institutions

A monk and his fellow collaborator are copying and illuminating Jerome's edition of the *Vulgate*. After rising early, spending time contemplating and praying, teaching the local noble's son, and toiling in hard labor within the garden, it is a relief to sit down and compose the Holy Scripture. The days are growing warmer, and the brown wool gown grows more uncomfortable. The monk stops copying to tighten the rope around his stomach and pat a drip of pat a drop of perspiration from his tonsure, the small spot of shaven hair upon the top of his head which marred his formerly lustrous dark locks. A monk's life was about service to God and not vanity, he toiled to save the souls of others and maintain the feudal system. The rigid system of learning the monks maintained during the Dark and Middle Ages was responsible for the founding of cathedral schools which became the modern university. Like the serfs, monks had to engage in hearty self-denial to carry the sins of the world including the king and country to gain greater reward in heaven.

College began as a monastic lifestyle linking studying, communal living and learning through religion. American colleges are based on our British counterparts, which is why elite colleges were some of the first to be founded within America. One had to

learn to better serve God; however, one had to have a sponsor to support them throughout the academic lifestyle choice. Money was restricted to the upper classes and donations were made, in turn, for their immortal souls. Therefore, by extension, college educated future clergymen and knowledge was kept cloistered. “Founded in the thirteenth century, the earliest English colleges were essentially retreats for scholars of divinity whose duties included celebrating mass for the soul of the benefactor who had endowed the college and thereby spares them from menial work” (Delbanco 37). The communal study aspects of college are still tied to the religious idea of a monkish lifestyle that fails to exist, as Robert Maynard Hutchins, former president and chancellor of UChicago noted the college was, “held together by a central heating system” (Delbanco 92). Campus disconnect continues, simply, there is not enough time. Many students work to pay for the cost of college. Capital divides students at college away from their own knowledge building experience.

The image of living a lifestyle of a cloistered monk is part of UChicago’s sense of self, shaping their policies and their rhetoric toward this indelible separation between the educational life of the mind and employment labor. According to *The Graduate School Mess*, UChicago was founded by William Rainey Harper based on researched exploration and the generative power of new knowledge (Cassuto 221). Nothing within the outward rhetoric of UChicago, or the image of the university, has anything in common with labor identity despite Hyde Park’s emphasis on community organizing. The focus on research and knowledge building within active critical thinkers’ contrasts with the true image of UChicago, which is an autocratic institution run by conservative white elites who seek to

maintain control. The opportunity to build and create a labor consciousness as a youth is exactly the new critical innovation that UChicago encourages on campus, however, the university encourages questioning everyone except themselves.

It cannot be forgotten that race science is situated within an elite university context based on whiteness. As Stein claims, gendered and racialized theories about both women and people of color contribute to these biases written into the system of higher education. Of Harvard fame is Edward Clarke who argued that collegiate education harms women's reproductive capabilities (Stein 1), Benjamin Apthorp Gould who analyzed Black men's incapability of military service, with the default of the average man as a European male (Stein 99, 102, 104) and Lothrop Stoddards who argued that white supremacy was threatened by people of color's increased fertilization and these races had to be dominated (Stein 165). The elite university is part of this conversation because they were the ones who were producing these theories. As Cotton's evocative essay collection *Thick* makes plain that as a Southern Black woman in academia, "I was not a real person" (9, location 102). As a student at Emory, an elite institution, Cotton argued that white male knowledge was promoted due to their gendered and racialized potential to succeed:

Emory certainly had attitudes, culture, and tastes that were different from those in my previous educational institutions. By moving up I had also moved into a space where Blackness was more contested than I had ever before experienced. This is the moment when I was supposed to learn that Black is over. Black was so over that it was not even a serious field of study in my academic department. The

department at the time was so wholly uninterested in Black people and the study of Black life that for several years the graduate students taught all the undergraduate courses in race. (140, location 1172)

Race is no longer stigmatized at the university as much as its forgotten. Putting the university perspective into broader focus allows an examination of the growing distinctions between both intelligence and productivity within the neoliberal economy, even for faculty. As “Privatized Citizenship, Corporate Academies, and Feminist Projects” by Chandra Talpade Mohanty indicates, the vision of how a university used to be is subject to citizenship situated in and based on race and gender divisions (179). In its inception, the university in the United States was a reproduction of the English one that was a space for white Eurocentric ideas. The move to privatize universities also privatized learning and repackaged knowledge as a consumer product, “The role of teachers has shifted radically in this process from being educators with control over our own labor and the products of our labor to commodity producers and deliverers. (Mohanty 179). Overwhelmingly full professors are still white males and both lower-tier and part-time positions are dominated by both women and people of color (Mohanty 178). Mohanty’s work makes plain these growing shifts from public goods to private knowledge are not based in democracy or freedom, they are all based on selling, packaging, and promoting a certain type of knowledge within a capitalistic system sold to the highest bidder. UChicago is not immune to this treatment. After Vatican City, UChicago has the second-largest private police force in the world, which patrols not only the campus, but also a surrounding area to enforce private ownership and tight control

over the spaces in which knowledge is produced, and meticulously curating who is allowed to receive it. This is an exceptional example that reinforces the relationship between exclusivity and value, applied in both intellectual and physical spaces around the university. When undergraduate laborers seek to unionize, they are creating space for themselves within their working condition, which inevitably crosses the boundaries into the university marketplace. Workers taking ownership of their labor threatens the exclusivity of the university's control of knowledge production and distribution.

Organizing at UChicago

By winning their election and garnering certification before the NLRB chairship changed hands, SLEU chose teamsters who are known for their “top down” approach and sought to reinvigorate the union with their youthful injection of membership. Hyde Park itself is known for its even further left ideals and activism pushing back at the conservative and costly institution, despite students from UChicago who are often above middle-class and white. Graduate Students United (GSU) is famous throughout UChicago as a long-running private graduate employee union that has been organized as an entity without a contract for fourteen years. They began as a “hotshop” movement coming together after hearing the university would offer additional funding to new Ph.D. students, but none to the current ones (Graduate Students United). Overall, their internal surveys deciphered that they taught more than thirty percent of courses in the Division of Humanities and Social Science (Graduate Students United). Like Yale, UChicago made significant gains without a contract including pay raises, better medical care, and services to student parents (Graduate Students United). They formally founded in May 2008,

again on May Day in conjunction with Chicago's historic labor roots, returning to the illustrious beginning. *Columbia* finally decided the fate of all private undergraduate employee organizing, GSU attempted for years to gain NLRB recognition in 2012, even filing an amicus brief with their chosen union representation the AFT. However, their constant cycle of organizing and pushing back after UChicago continued to creep in and nickel and dime every cent of their salary with fees, shows that GSU by continuing to act as a union and collecting dues, rhetorically conducted themselves as employees.

At the same time as SLEU, GSU was organizing and winning their union election, the energy of the movement was in the air, making everyone feel they were on the precipice of winning. GSU did not make it to the election in May, but SLEU did. SLEU risked a small unit of the largest undergraduate workers on campus. GSU, the school newspaper *The Maroon*, and the teamsters often worked in tandem with organizations such as SOUL (Students Organizing United with Labor), an undergraduate labor group advocating for on-campus workers. The culture of organizing in and outside of the legal means was already established at UChicago by their legacy of student activism

SLEU had no trouble forming their class identity and choosing their union since they'd already had a relationship with both a non-union activist organization, a non-union graduate student employee organization, and a similar community of interest. The teamster's main principle is both diversity and strong legal support. Therefore, the employees knew they were in for a fight and chose a traditional union that would advocate best for their needs, despite their membership being outliers. Their rhetoric of inclusivity included choosing and maintaining their rights as employees of the library,

filing for their unit, acting quickly, and fighting each appeal, and failure to bargain until UChicago had to legally admit they were workers.

The University of Chicago Graduate Student Union (GSU) held an election in October of that year that was certified and won, then withdrew their petition at the NLRB. The circumstances of the withdrawal came after University of Chicago's continued push to appeal and overturn *Columbia*. Due to the political climate under Trump's NLRB, the petition was withdrawn after a member vote. The feeling this generated, after so long of a fight, was palpable anger, confusion, and discontent with national union representation. GSU was the star sibling and SLEU was the forgotten stepchild quietly building support for their own campaigns. Support and endorsements from politicians such as Bernie Sanders and Daniel Biss, from activists such as Chelsea Manning, writers such as Alice Walker, and even Yale's Local 33, UNITE-HERE bolstered GSU's push for their nearly two-thousand-member bargaining unit to gain the opportunity to call themselves employees. After an ill-fated three-day strike, UChicago continued to endure an administrative stalemate. They are currently independently organizing on a limited scale with reduced membership, voting out their national union representation. However, SLEU and GSU maintain an organizing relationship and were heartened by the work and example set by their forefather union, in the words of one member:

We are paid to work in the knowledge-generation industry, so our relationship with the university is a relationship of employee to employer. The university pays

us for and profits from our work. Graduate workers thus must have with their due rights protected, including the right to form workers unions. (NLRB)

SLEU learned from the GSU campaign to choose a regional union focused on their field that was willing to maintain the movement and fight for them. Finally, they learned that movements could endure and change over time, therefore, the establishment of a union for personal gain should not be the long-term goal, it should be the alteration of systemic issues inside the universities to re-align the power imbalance against employees. National unions were not the answer.

SLEU filed for their election on May 8 and immediately were hauled back into court by UChicago in a hearing to decide on their rhetorically contested status as employees on May 23 (NLRB, 2020). UChicago carefully states that their policies regarding their student manual (even for workers) are subject to student discipline and not a Human Resources department and do not consider it a contract (University of Chicago). The institutions' rhetoric of exclusion was based on UChicago's identity as an educational entity of isolated scholars, not members of the working-class. The three main arguments were that SLEU were not employees, the university is an educational institution and if they are employees, their work is casual (NLRB, 2020). Each objection was overturned, and the election was held on June 2 and 5-8 with multiple polling times and stations in both the Regenstein main library, Social Service library, and D'Angelo law Library (NLRB, 2020). The board attempted to make the voting as widely accessible and inclusive as possible throughout UChicago's large campus during a busy final exam time. Before the election, universities are required to provide an excelsior list, the names

and contact information (including address) of employees. Often the lists will be inaccurate because universities have a challenging time determining who is in and out of the unit during a specific time period and they often do not put forth much effort to fix their lists. Therefore, it is up to organizers to decide and follow up with those who are “in unit.” This context is particularly useful when considering UChicago administration if they do not have a personal stake in maintaining an accurate list, then it is highly likely voter turnout will be low because voters are unaware, they are within the bargaining unit.

SLEU won a narrow victory with slightly over fifty percent of the bargaining unit voting for union representation. The voting tally was out of one hundred and ninety-nine voters total of sixty-seven voted for and thirteen voted against (NLRB, 2020). Thirteen additional ballots were contested, raising the “yes” count to ninety-three (NLRB, 2020). Institutions often try to exclude as many employees from having their votes count as possible, maintaining their rhetoric of exclusion and severing the employees themselves who voted for the union from their own freely chosen desire. Challenging ballots is the easiest way to neutralize an election with low voter turnout and if the voter turnout is high enough, challenges should not matter. While UChicago attempted to delay the election until Fall, a delay only means a loss of steam and momentum, as occurred with the GSU campaign, pushing forward with an election despite the concern about turnout is the best way to make sure an inclusive election even occurs.

UChicago made several challenges to the election, concerning both process and results. They refused to sign on the election certification signifying their rhetoric of

exclusion would continue after four objections and a request to stay the election were both denied. UChicago continued to file objections based on the election itself on June 14. Firstly, maintaining their rhetoric of exclusion means citing SLEU workers were not employees and *if they were they were temporary* (NLRB, 2020). They continued with the second argument that an election during finals week would disenfranchise voters (NLRB, 2020). Their third argument was that GSU participation disenfranchised voters in both bargaining units. Fourthly and finally, they charged the union with improper electioneering due to their presence and signage (NLRB, 2020). While the institution claims they didn't see anyone speaking to voters (NLRB, 2020), they still considered it electioneering. Signs and organizers are often outside or near the polling place at the specified distance (usually the legal 50 feet) and it was nearly impossible to tell which students were voting and who were merely entering the library (NLRB, 2020). All four challenges to the election and potential objections by UChicago were overruled on July 10 (NLRB, 2020). All of the rhetorical stopgaps enacted towards SLEU were not based on a desire to engage in a fair and legitimate election, it was rhetcon rhettrickery to delay any long-term results for undergraduate employees in the shape of a contract.

From then on, the institution's rhetorically exclusionary attempts at rhetcon rhettrickery to reverse Columbia were made publicly known, not only was collective bargaining to be stripped from the employees, it was to be stripped from all private university workers. The effect would, in turn, neutralize both GSU and SLEU and maintain the Brown for all private elite universities across the country. On July 24 they filed a request for review, to either offer additional evidence that Columbia was incorrect,

if students are employees, they are causal, the union's behavior means canceling the election, and both the timing and electioneering means the election should be thrown out ("NLRB, 2020). The evidence already was dismissed, however, the argument that casual employees are not employees merely adds an adjective to an already overturned case. The major rhetorically exclusionary issue the institution's petition review brings up is the need to overturn *Columbia* to restore both *Brown* and *San Francisco* rulings (NLRB, 2020). Not only does it return the status of private university workers to students and not employees, but it also penalizes the students who need to work on campus and considers them "servants." As Caffentzis claimed the rhetoric of "climbing the ladder" was famous within the university dialogue to determine the new class distinctions based on the have and have nots.

But if the working-class was to be restructured upon a higher gradation through the quantitative expansion of the university system, what was to serve as the necessary source of division of the class? And here the already given stratification and division of the university seemed to naturally fit in. Though the policy of investment seems now rather crude since it involved in many cases rather large block grants to universities with a gross correlation between investments and "output", it was undoubtedly assumed that the universities' setup of grading, testing, tracking, and discarding could do the job of selection into various skill and occupational hierarchies for the labor market. (Caffentzis 132)

The theory of human capital is that selling labor power is done to receive income and the goal of the university became to create human capital and trainable workers.

However, the anti-Vietnam protest and sit-ins at Kent State, Berkeley, and UChicago proved that university students were not easily trainable, and the free-thinking ideals of the university penetrated their mindsets and they refused to submit to a wider authority. Therefore, the university itself transitioned into becoming a part of the labor market (Caffentzis 138). The university becomes not merely a non-profit, but a corporation, creating the rhetoric of “climbing the ladder” and the infantilization of undergraduates because as funding dipped and the need for educated workers grew, student debt increased.

UChicago denied they were an office and a business; they could not deny that they were a corporation, emphasizing they operated as a non-profit (NLRB, 2020). By doubling down on their status as an educational institution and non-profit, they defanged the fact that private universities operate as organizations in their own right and employ the largest labor force within the local university area. Grading no longer programmed the students for their future as workers; therefore, the labor had to be doubled. Disciplines became, in essence, akin to the medievalist feudal counterparts:

In a period of uncertain levels of employment there has been a flocking of students to the areas where we get the greatest concentration of credentials required and are most open to a kind of apprenticeship called, ironically enough, ‘workstudy.’ Discipline over students is not accomplished with the old schoolmasterish ways (grading) but through connecting in a very explicit way work in the university with waged work: the job. (Caffentzis 138)

Therefore, on top of unwaged school work students need poorly paid wage work which continues to sift out those who had the income, ability, and tenacity to engage within climbing the journeyman ladder of the university and those who could not.

Like the casual employee's rhetorical concern, all requests save one by UChicago were all already dismissed due to repetition. However, they asserted since they were not heard previously, they should have been heard again. The argument to re-listen to an argument already dismissed is akin to one speaking louder when they are ignored. The one caveat was the offer of proof for witnesses to the charge for improper electioneering, which was held on February 15, 2018, and denied. Subsequently, UChicago filed a review on December 15, a reconsideration on December 26, and a stay on January 18, 2018 (NLRB, 2020). March 19, 2018, brought further denials and the union was officially certified after nearly nine months of gestation in between various hearings, petitions, and reviews (NLRB, 2020). April 2018 brought the final decision that the charges of electioneering were unfounded. The only time when UChicago used the term "employee" to refer to SLEU workers was to discuss that a union sign was distracting and harming the choices of the voters to have a democratic election at the polls about a previous NLRB precedent (NLRB, 2020). The institution was incredibly careful within their rhetorically exclusionary tactics by only admitting that the SLEU were legally employees over students when the possibility of overturning the election entirely was on the table. These techniques are the same pattern: by preventing a contract negotiation from occurring, the institution sought to "run out the clock" for *Columbia* to be overturned. Later independent unionization efforts at Grinnell and Reed, in solidarity and

rhetorical inclusivity with the term employee and respecting the dignity of the bargaining rights of all, had to pull their petitions, after university objections. IBT Local 743 was the only undergraduate employee labor force to be certified under *Columbia* during Trump's presidency.

Post-certification, IBT Local 743 sought to collectively bargain with the institution that now lost every opportunity to deny their workers the rhetorically inclusive definition of employee. From March 27, 2018, the date of the letter requesting bargaining dates, the university still refused to bargain April 3, 2018, echoing the same three rhetorically exclusionary arguments they did the year prior (NLRB, 2020). UChicago floated the dangers of the first amendment violation due to union representation. The failure to collectively bargain with an NLRB certified union is a violation of the First Amendment resulting in a charge of a free speech violation against one of the penultimate universities which rhetorically situated itself within the principles of free thinking and spirited inquiry. The NLRB served the institution with the charge on June 15 (NLRB, 2020). Finally, the failure to bargain "in good faith" is not merely a free speech issue, it is an Unfair Labor Practice (ULP) and must be heard by the NLRB for violating the NLRA once a union of employees is certified.

UChicago was not engaging in a procedural democratic process to ensure the accurate results of an election, they were engaging in rhetcon rhetrickery. On June 29, the institution finally admitted they were refusing to bargain to test *Columbia* because as an educational institution, the UChicago students were not employees, denying both the election and the unit (NLRB, 2020). In Booth's words in *The Rhetoric of Rhetoric*,

rhetrickery is “shoddy” and intentionally attempts to confuse audience members rather than enlighten and come together through understanding x). Rhetrickery creates false evidence to further a separate agenda (Booth 44). Booth concludes that rhetoric must be taught and trained to fairly listen to both sides of the argument (Booth 126). If UChicago genuinely believed that an improper election occurred, then they would have been correct in their consideration for review. If UChicago genuinely believed an election during final exam week would disenfranchise voters, then they would have been correct in their consideration for review. Instead, they couched these truly democratic concerns in their desire to overturn *Columbia* and strip the organizing rights for all student employees across the United States and return to the previous *Brown* ruling. In effect, this rhetcon rhetrickery was breaking the law which classifies all student employees as employees under *Columbia* which provided them with the protection of the NLRA to bargain with their employer on their working conditions. The civic and educational history of Chicago and Chicagoans who remember the blood of the workers shining in the streets disagreed.

To untangle the rhetorical and legal rigmarole, the university excludes the right to free speech from democratically elected union representation but defended their choice in inviting Trump administration strategist and Breitbart News co-founder, Steve Bannon, despite faculty and student disapproval to promote free speech and academic inquiry. The logic is faulty at best. When a charge is filed against an employer for non-compliance, the service and product they provide must be named: therefore, UChicago offers a product of higher education fully packaged into their rhetoric of excellence. UChicago denied it was an office and cited itself as a non-profit private university corporation, casually skirting

around the concept of needing employees for producing labor admitting to engaging in commerce and admitting that SLEU is a labor union (“Answer to Complaint” 1-4, Exhibit 20). In the common law master and servant model, unions within the institutional rhetorical exclusionary understanding are third parties because they stand in between the employer and employee and their personal working relationship (Dannin 28). In this case, universities are not owned by a single man anymore, but instead, they are governed by corporations and shareholders at a distance from the labors the workers produce on behalf of the university (Dannin 26). The wealth of corporations replicates the same structures, in place of a patriarchal line of inheritance the master passes it on to another member of their class, leaving the worker out. Therefore, the corporate conception of personal property is invalid because the master corporation does not have a vested interest. After all, it is not financially or emotionally interested in the servant laborer and their pay is not determined by what is produced. UChicago continued to fight and appealed the failure of the board to hear their evidence that students are not employees as a due process violation and that student employees were temporary, dropping their test of *Columbia*.

The current precedent is *Columbia* which determined that all graduate and undergraduate workers at private institutions can collectively negotiate. Ring, a former corporate lawyer in a controversial move, published an agenda on September 23, 2019, without a case to adjudicate, indicating that they were breaking with precedent by revisiting the *Columbia* judgment unilaterally (United States Government, National Archives). The change affected the UChicago case with the university again attempting to overturn the certified election. As Hogler forecasted, Trump appointees to the NLRB

cause direct harm to unions. Despite a letter from the Appeals court (who were in process of adjudicating their decision) stating that because the election was certified it could not be legally overturned, UChicago continued to claim that due to the NLRB review, SLEU would be invalidated. However, NPRM was pending legislation for September 2020 and specifically targeted private university workers who labored in either teaching or research directly related to their status, not undergraduate workers in the library. The reasoning was touted as the need for efficacy; however, Ring's introduction was merely the continuation of an anti-labor platform. The need to overturn the rhetorically inclusive ruling without a pending case to continue to exclude workers after it changed three times prior does not provide consistency and steady commerce. It only excludes entire bargain units from representation. The definition of employee for students has always been amorphous, but only with the recent three changes in *New York*, *Brown*, and *Columbia* decisions in the past twenty years has it become contested. According to Ring, the NLRA spent more time discussing what an employee was not rather than what it is (1). Student employees are not included, they are also not excluded. Now current chair Lauren McFerran's dissent states that Columbia already decided on the role of employees and the ruling was now arbitrary: "To strip away all labor-law rights from tens of thousands of student employees—including many who have already begun exercising those rights—would be a terrible mistake" (NLRB). The ruling was opened for public comment. The response was enormous, with over 13,000 comments from private university employees from all around the United States sent in comments regarding the unfairness and disparity of this rule change. True to her words in one of her first actions as Chair, McFerran

withdrew the proposed rule change to the status of graduate employees on March 15, 2021 (United States Government, National Archives). The assumption remains that graduate employees are the only ones affected since they are the majority. Bernie Sanders even went as far as to introduce the “Respect Graduate Student Workers Act” in response to the rule change in January 2020 (Sanders). The bill itself died in committee, but was another attempt to be rhetorically inclusive, while excluding an entire other labor force. Undergraduate labor is effectively invisible to the law, even to those who seek in good faith to create legislative protections around it.

The AFL-CIO submitted a letter on behalf of the IBT Local 743 attesting that UChicago dropped the contention that the workers were no longer employees on September 23, 2019; however, the rhetorical contestation continued mired in legal rhetoric (NLRB, 2020). The case, “University of Chicago v. National Labor Relations Board” languished for another three months within the Seventh Circuit Appellate Court from September to December deciding in favor of IBT Local 743 asserting that *Columbia* decided that even if employees are temporary, they still deserve inclusionary representation (Illinois State, Court of Appeals, 2019). UChicago argued that because the workers were temporary, they did not have investment within their labors (Illinois State, Court of Appeals). The court concluded that the argument was not persuasive:

The University relies on a legal assertion that its student library employees cannot collectively bargain because they are temporary employees who do not manifest a sufficient interest in the terms and conditions of their employment. Those categorical assertions were explicitly rejected by the Board in *Columbia*

University, which the University does not ask us to invalidate. The Board did not abuse its discretion in adhering to Board precedent and refusing to admit the University's proposed evidence, which did not support the University's position under prevailing Board law. (Illinois State, Court of Appeals, 2019)

The final nail in the coffin for the institutional exclusionary rhetoric and rhetcon rhetrickery was the last denial of review on December 17, 2019.

Three years after their union election, employees are finally engaging in the democratic process of bargaining. Years passed and many student employees no longer work at UChicago. Specifically, student-activist of color, Cheyenne Wakeland-Hart who explicitly stated in "Appeals Court: UChicago Must Bargain with Student Library Workers" all the library employees wanted was to collectively bargain over their working conditions has moved onto graduate school at Columbia, which is already unionized (Lee). Yet it is the very student who fights for inclusionary union representation taking ownership of their job, despite the law, and seeking to gain nothing that defines the term inclusion. The university recognized the union February 13, 2020 (NLRB, 2020; SLEU). The continued exclusionary university argument about the temporality of student laborers was made plain by the university's action based on their refusal to bargain. In effect, the university excluded these employees by delaying their opportunity for representation, waiting until every legal hurdle had been jumped before recognizing the union. Due to continued advocacy on March 17, 2020, employees were paid for two weeks of work during the COVID-shutdown. (SLEU). As of May 16, 2020, the employees were still bargaining (SLEU) By agreeing that UChicago is an employer and SLEU are employees

(even temporary ones) both university and employee can meet, create their third term, and become consubstantial. The term employee than to the exclusionary UChicago, meant one who had graduated college and engaged in long term classed employment, not a part-time student employee position to fund their studies. While UChicago is the first undergraduate employee unit of library workers, they will not be the last according to *Library Journal* from Fordham University (Dixon). For example, student employees are seeking higher wages and control over their working conditions due to the increasingly restrictive cuts to full-time staff employment in lieu of cheaper student employees. The solidarity and connections made between student employees and full-time staff employees is important because these workers recognize their shared struggle and the university's role in seeking to devalue their labor.

The elite university rhetoric of excellence including both low acceptance rates and a high workload is in diametric opposition to the inclusive nature of unionization. Workers and employers negotiating working conditions together equally do not fit within the dynamics and power plays of master and servant or professor and student. The assumptions are inherent, UChicago does not believe their undergraduate laborers are employees and deserve the same considerations as members of the working-class who are unionized. The conception that a working-class person would enter, study and work at UChicago is not part of the life of the mind ideal. Thus, the rhetoric of excellence is based on the idea that professors breed other professors and lawyers breed other lawyers, and wealth is inherited, therefore, the reason why UChicago is so rhetorically

exclusionary is they do not believe students need wages to live on, essentially, gatekeeping the university from those who are deemed lower class.

The graduate organizing unit at Yale University, Local 33 with UNITE-HERE, has yet to bear fruit due to its drastically radical rhetorical strategies to SLEU. The philosophical ramifications of the gentleman scholar ideal go even deeper within prominent colleges, as Discenna argued — discussed in Chapter 1 — students question the institution's efforts to turn teaching into a consumer-based process by employing both graduate workers and adjuncts. The controversial efforts by teaching assistant graduate employees to gain the union recognition of administration have been a twenty-year-long struggle through a partial grading strike in 1995 (Discenna 19), solidarity strike with janitorial and office workers in 2003 (Greenhouse), and hunger strike in 2017 (Hogler 49). Yale University has a reputation for massive endowment, low pay, and a distaste of labor relations. The Yale office workers tried to organize five times over thirty-two years (Brecher 266). In 1980, the working-class union Hotel Employees and Restaurant Employees (HERE) began by building a steady stream of support through one-on-one membership building and conversations to build faith with the workers, eventually winning their union election by half in 1981 (Brecher 267-268). After beginning contract negotiations, Yale hired an anti-union firm to slowly whittle down the hope of workers ever receiving a contract. After surveying the salaries, it was discovered that persons of color and women received significantly less money than whites who were doing the same job. Work and strike actions continued with both student, faculty, and other staff support. According to “Women Workers and the Yale Strike” tensions came to a head in 1984

when women and office workers of color walked off the job to counter the culture of disrespect that administrators and professors had for their clerical jobs with student support (Ladd-Taylor 478-479). Yet again in the university culture, the body of the laborer and the mind are at a constant divide. The same classist assumption that workers' intelligence is denoted by their job title runs rampant throughout elite universities. In addition, the racialized component was made clear, students at Yale could not and should not align with workers of color, as university students the default assumption by the university is they are white males and are aligned with the administration.

Yale's attitude was made plain when the teaching assistants undertook a labor action resulting in academic Blackmail and retaliation. *Steal this University* claims Graduate Employee Student Organization (GESO), led by Corey Robin placed Yale's Ivy League ideals firmly at odds with their liberal politics leading the changing face of the corporate university's approach to the inclusive rhetoric of free speech (107, 108). The faculty's disgust at the graduate assistant's partial work stoppage led to the university stating they could never teach at Yale again and the hostage taking of recommendation letters, placing all opportunities of future employment on the line. The graduate assistants, by exercising their free speech, would be prevented from gaining a job that they were, according to the university, 'in training' to grow into professors (Robin 107). Yale's idealism only has a place within the ivory tower and not outside of it. Rhetorical inclusivity, humanistic philosophy, and democracy do not exist outside of the classroom. Despite the elite status, two-thirds of Yale University's courses were taught by financially struggling graduate employees in jeans and not a man smoking a pipe in

corduroy (Robin 111). These concepts no longer exist and the rhetorical narrative of graduate employees as intruders or interlopers to the system is present, “other university administrators have compared graduate students to gypsies and rats, the classic unwelcome guests of Europe” (Robin 111). The treatment of the students who seek to align with movements situated within justice across the legal boundaries results in their rhetorical dehumanization by the university. As a parallel, Collom states that her experience as a graduate student and Black woman at Emory was similar, “Graduate students are not people. In the academic hierarchy, graduate students are units of labor. They can be students, but not just students. They are academics in the making” (8, location 9). More recently, the presence of Black female graduate students at elite universities such as Yale is a challenge to whiteness. In 2018 a white student called the police on a Black student sleeping in a communal area of her own dorm (Caron). By promoting the rhetorically inclusive approach by joining the union of janitorial and clerical workers, the graduate employees divorce themselves from the elite status. Furthermore, the image of the Yale is a white one and the image of a janitorial or clerical worker is one of color. By severing their ties from the life of the mind, Local 33 pushed for social justice for all.

In 2003, the graduate employees joined in another job action in support of their fellow employees during the brief window between *New York* granting unionization rights and *Brown* removing them alongside the emerging bargaining of hospital workers according to *The New York Times* (Greenhouse). To finally gain even partial legal recognition, Local 33 filed for union election in select departments with guaranteed

support rather than building a larger university wide wall to wall unit due to time constraints. Like SLEU, Local 33 is another elite university union that sought to be rhetorically inclusive in the widest way, but in the shortest time possible. Hogler claims in “Saying Goodbye to Unions in Higher Education” that Yale disagreed with the “microunit” strategy of Local 33 because it was not rhetorically inclusive enough, despite the NLRB allowing it to move forward (53). In 2017, graduate assistants went on hunger strike after Yale refused to bargain with the eight certified micro-bargaining units based on the argument the NLRB was incorrect (Hogler 52; Herbert and Naald 12). The graduate assistants deprived their bodies of food and in combination with their minds to slow down their labor. Drawing back to Grinnell in Chapter 2 by combining the physical with the mental actions, they showed both the labor of the body and the mind to make their labor visible. Yale argued that since the unit was wrong, they did not have to bargain. In lieu of empowering workers, these actions often disempower them, but remaining in limbo for so long, they act like a union, but still do not have current legal representation. Their risky actions, including many NLRB hearings and negative press on both sides, smeared Yale’s name across the front pages for years. UChicago activism and organizing was already an existing campus movement, Yale’s was not, for that reason, Local 33 had to create an entire organizing culture at Yale. By taking these risks, they were attempting to build the most rhetorically inclusive movement on campus possible, a union for all low-wage workers. Due to timing, they have been unable to legally certify their unit. In 2018 after Yale placed their petition “under review” they pulled their

petition in turn after certification in a solidarity collaboration with all other national unions.

Local 33's movement was one of the earliest within private university organizing efforts. The tactics of each university's institutional administration were similar through their dual focus on rhetorical exclusion to the term "employee" and stonewalling once rights were legally achieved. Yale University is an Ivy League institution, the third oldest in the nation, and one of the first universities to grant a Ph.D. (Cassuto 19). Their endowment is valued at thirty billion dollars (National Association of College and University Business Officers and Commonfund Institute). Their famous alumni range from actors, politicians, millionaires, billionaires, supreme court members, and presidents. Yale depends on alumni support of nearly 200 million dollars per year (Lafter 240). The culture of Yale is conservative based on old world ideas about the university system passed down from English forefathers based on the dignity of scholarly pursuit and research based on the patronage often of a single professor (Cassuto 22, 23). The idyllic Yale identity politic paints the picture of success and greatness and students were violating that code.

Yale has greater license and control in its graduate employees by providing them with the pride of its name. The institution is known for low pay and high amount of work stoppages. The gaps between those who have the power and those who do not are wider at Yale and without motivation or financial need or pressure, Yale will always have a cadre of dedicated and replaceable workers because they are Yale. Other institutions such as UChicago, which were founded with the same goals in mind based on English

educational practices, look to Yale as an example. What's missing from UChicago is a pure hatred the Yale administrations and faculty evoked towards their employees and any member who perpetuates working-class identity. Consequently, Local 33's labor actions had to be bigger and bolder to gain public support and attention. Local 33 has historically been working without legal rights much of its tenure and has effectively moved both in and outside the legal distinctions of employees. Whereas SLEU gained and quickly won their rights to the legal distinctions and followed the rules attempting to beat UChicago at its own legal maneuvering games of rhetrickery.

The tensions between past and present and the imagined and the real reflect the private unionization efforts at elite institutions. At universities such as Yale and UChicago, the name itself functions as the capital or currency. Education and employment at this institution are fleeting for the student and employee because the university does not maintain a vested interest in them as a person. The elite institution focuses on the romance of their excellence and how whom they've chosen can benefit their good name in research and scholarship. Forgoing that right and the privilege of the name of the school itself, divorces them from receiving its benefits. Yale's grading strike perpetuated faculty to Blacklist and withhold letters of recommendation from their students. As a result, the justification for withholding professorial letters from striking graduate staff was that they were breaking the norms of conduct. Instead of whining about exploitation, they should be singing hymns for their patron's soul! They should be fasting as a form of penance, not undertaking a hunger strike for more rights! These actions were based on the English system of education borrowed by Ivy League's that

students should be grateful and not organize for better working conditions. All elite institutions such as Yale and UChicago must do is “wait out” the system because their money, power, and time provide them with opportunities to delay that student employees do not.

The takeaway from SLEU’s organizing movement is akin to the Biblical proverb of striking while the iron is hot. The Blacksmith must strike the iron exactly at the right time and place, so it is molded correctly. The method to organize and file quickly with guaranteed support in a smaller union is chancy. A collective bargaining agreement may not be as comprehensive as with a larger more well-defined union organizing strategy of super-majority. SLEU learned from the elite movements before them from both Local 33 who engaged in a solidarity strike when legally available in 2003 and GSU who organized, fought, won in 2017, and underwent the same cycle over the past fifteen years. The rhetoric of excellence is based on the exclusionary concepts situated within the power and wealth of elite universities. By acting based on momentum, SLEU used its rhetoric of inclusivity to create a union of the largest number of student employees in the shortest amount of necessary time. UChicago’s engagement in rhetcon rhetrickery proves a chilling conclusion: elite universities are not special or unique; they are an average union busting businesses who will stop at nothing to bend and break the law at their discretion. The future will show us whether UChicago continues to bargain in bad faith. After a year without a contract, any group of employees can vote their union out and start over through a petition for decertification process (RD). Like an election, workers must gain at least thirty percent of support to remove a union and a majority would have to

turn out and vote against the union (Taft Hartley, 1947). In following the dataset for this past year, the majority of these petitions is withdrawn or dismissed, ones that do come to a vote, do vote out the union. In following the letter of the law, it is up to the student employees and not the company, the non-profit university, to decide what they want.

Moving forward, Chapter 4 examines undergraduate RAs at George Washington that attempted to seek legal certification for the first time at a private institution. Effectively this method took the mind and body Cartesian split further through advocating that unseen care and emotional labor deserve the same compensation as physical labor. Emotional labor is a technique of controlling feelings and expressions to meet the demands of work. Undergraduate laborers identify themselves as employees and invite their employer to the bargaining table when they legally file for a labor union, even if their employer does not recognize the invitation. The notion of inviting rather than demanding allows for us to reimagine what undergraduate labor rhetorics will look like with these new visions of social justice, rejecting the university rhetoric of excellence, embracing the rhetoric of employee, and moving past discussions of success or failure of a movement to a new language: one of liberation.

CHAPTER IV

THE BURNED TURF OF CARE WORKERS

On the evening of Tuesday, May 2, 2017, the Resident Assistants (RA) at George Washington (GW) University, Washington D.C., refreshed their email boxes with horror (NLRB, 2016)—*Their election was canceled*. Undergraduate Resident Assistants were finally able to vote in a legally sanctioned NLRB election after a long year of campaigning, an NLRB hearing finding that they were workers, and conducting meetings and information sessions on the union. The night before an election is abuzz with excitement including last minute messages, phone calls, and door knocks confirming attendance at the polls to “whip” up last-minute votes. They were about to make history by being the first RA union at a private university. The timing of the election was not ideal and an appeal to change it was met with frosty silence. RAs were in the middle of exams week during an already busy semester and ensuring turnout of voters is essential to winning an election. Unlike GW, when UChicago petitioned for SLEU to have an election during final exams, they pushed through and held it despite low voter turnout and furthermore appealed to their employers for purposefully choosing an election time that would result in low voter turnout. The GW campaign was grassroots, but an astroturf campaign sprang up in opposition to the movement called RA Students for Freedom. An astroturf campaign is a fake grassroots campaign that is meant to look like a grassroots campaign that is already funded by a powerful interest. RA Students for Freedom’s main goal was that RAs at GW should not have union representation. The spokesperson, RA,

and president of the GW Republicans, Austin Hansen is an example of the group demographics that are cis white, and upperclassmen interested in a career in politics (Buble). Instead of showing up at the polls and voting against the union, they sought to publicly crush the movement before it began. When a rival active anti-campaign springs up during an organizing drive, it can seriously damage the integrity of the momentum. Yet, in lieu of fighting, the turf was burned when SEIU, Local 500, pulled their petition for election representation with the NLRB. Professional organizers name the worksite on which they oversee their turf. They engage in on-campus class visits, office visits, door knocks, and meetings on their turf. When turf is burned it cannot easily grow back. The damage is permanent.

The George Washington (GW) RA campaign is one of burned turf, fractured alliances, and mottled confusion. There is currently no active union campaign or representation. Compared with the selective student body at Grinnell and mid-level student body UChicago, GW is a much larger institution of 27,000 (George Washington). This is partly due to the higher acceptance rate of forty percent, a suburban and city campus, and a considerable number of graduate students. The Foggy Bottom campus is near the Potomac and located in one of the oldest D.C. neighborhoods, formerly a low marshland swamp. Giving credit to its namesake, George Washington sought for a national university to be founded in his name and left company shares to do so. Despite this, financial mismanagement prevailed, and the GW was not founded until thirty years later after independent fundraising and a congressional charter (George Washington). Students travel cross-country or internationally to attend this prestigious research one

(R1) university which engages in the highest levels of study. The tuition cost of attendance is over fifty thousand dollars, and the endowment stands at one billion seven hundred thousand dollars (National Association of College and University Business Officers and Commonfund Institute). On par with other institutions, George Washington University is one of the costliest private universities with the littlest to lose from having a union of undergraduate RA employees.

The RAs chose their collective bargaining representative as Service Employee Union International (SEIU) Local 500, an established organization of over twenty-thousand members within day care, public schools, nonprofits, and government offices within the Baltimore–Washington metropolitan area (SEIU Local 500). The adjunct faculty were already represented by SEIU, along with many other local contingent faculty units within the metropolitan area. As Chapter 3 indicated the strategy of unionizing within a similar field is an inclusive one to widen the community of interest outside of the legal limitations—when SLEU voted to join the IBT 743, they were joining with an already established union of library staff at UChicago. The email message from Dr. Anne McLeer, director of higher education at SEIU, and George Washington alumnus herself, was clear that unionization was no longer possible (Buble). SEIU pulled their election petition for representation with the NLRB and failed to notify their bargaining unit of one-hundred and ten. SEIU often relies on this type of impersonal email communication both for election notification and authorization cards. The failure to engage in person-to-person contact rhetorically excluded the RAs from participating in their own labor movement.

SEIU branded itself a union for low-wage workers where fast communication is often necessary due to the types of campaigns they run. According to Phillips in *A Renegade Union*, SEIU offered a dual focus for workers situated within both fiscal and humane justice (5). The SEIU strategy is based on gaining thirty percent (the legal minimum) of the bargaining unit on signed authorization cards. This strategy is not particularly effective or inclusive, as it only represents a limited number of the membership. By filling and acting early, SEIU can cut any objections off quickly and pressure the employer into a quick deal usually for less than they could get from a longer collective bargaining process (Phillips 5). While the worker voice for dues exchange is a common criticism of business unionism, this method is effective in campaigns when the “boss fight” begins and the employer realizes there is an active union campaign, by filing early and continuing to build membership, they can prevent workers being inoculated against the union and speak to them first about the benefits of unionization and settle quickly. It is a calculated risk to victory. If thirty percent of the membership who signs cards votes yes and there are no active anti-campaigns, then it is an easy win. Yet, with large voter turnout and enough voting for no representation, the union would not be elected as the collective bargaining representative.

The statement cited the timing of the election and lack of member mobilization significant enough to win a campaign. The election itself was to have been held in fewer than twelve hours at both libraries on the Mount Vernon campus (NLRB, 2016). Two paragraphs quashed their entire labor movement. A withdrawal of a petition is a last-ditch effort from national representatives to pick up the pieces from a campaign that they do

not wish to publicly lose. In six months, the window of opportunity legally opens again for the employees to re-file, but they never did. Their social media page, GW RA Support Network, is scrubbed from the Internet. An election cancellation goes beyond the norm. Unions can pull their petition in lieu of cancellation. What this means is that the support for the movement dipped so low at the last moment that they were unable to justify the costs of the election. Therefore, to save time, face, and money, canceling an election was the only option. This chapter will also explore additional cases of private RA representation, specifically Reed College because in solidarity other movements will continue. The term *failures* reinforce individual campaigns and stories, whereas this chapter will showcase the theme of a developing legal precedent and growth of undergraduate employee confidence within the movement. Movements must accept that if they are forging new ground, they will inevitably fall short of a central aim or objective after their mission.

The opportunity to approach the George Washington case from a rhetorical standpoint allows us to examine a traditionally “unsuccessful” movement through legal rhetorics. Furthermore, this analysis shows how social movements are often harshly judged by the success or failure paradigm. As this study has shown in Chapter 1, failure is frequently used as a derogatory phrase to dismiss imaginative social justice movements. While success is valorized, it remains difficult to obtain within a capitalist society because the systems have not momentarily changed. I examine this case with an active mindset, suggesting potential frameworks for the application of employee rhetoric through inclusivity, moving beyond rhetoric of excellence, failure, and success, and

toward a better understanding of undergraduate academe's increasing labor consciousness and rhetorical viability. Kelly Myers writes within "Unspeakable Failures" that failure resilience rhetorics are not rhetorically inclusive narratives because they merely reinforce white privilege and neoliberalism (48). Our language and culture do not promote anything less tangible than rugged individualism and results-based methods based on personal responsibility (Myers 51). As Myers argues, by complicating these stories and stripping them down, we can better learn how to speak about failure. Whiteness as a race necessitates racism, and it racialized labor between skilled which is coded white and union, and unskilled with is coded Black and non-union, without making use of the intersectional vectors at its disposal. The Protestant work ethic was always situated in the white ideal of those who were chosen and predestined to succeed (Myers 57). Neoliberalism sees failures as trips along the road to predestination as a temporary glitch rather than the permanent wound that merely temporarily got in the way of production. Myers sees the process of pulling down these narratives for their recycled tropes and plot holes in lieu of continuing them to move forward.

An adjunct to the theory of failure rhetoric is the work of Sonja Foss and Cindy Griffin on invitational rhetoric. They argue in "Beyond Persuasion" that invitational rhetoric is an invocation of equality, value, and respect for all discourse (Foss and Griffin 15). In place of rhetoric of domination based on control and persuasion, invitational rhetoric is strengthened by dialogue and process. Foss and Griffin build on the work of Black feminist authors such as Lorde to reclaim the master's tools showing those who enact these principles are empowered, even if the result itself is not technically construed

as a success. While the theory is not widely accepted due to its creation by white women and the issues of power discrepancy between listener and speaker, the work itself was transformative because it extended membership to all speakers regardless of status. The concept of an invitation to a table as an equal, such as a bargaining table is the main theme within labor rhetoric. An invitation to the literal bargaining table becomes a form of resistance that counters preordained forms of power established by the elites. When filing for a labor union, undergraduate laborers name themselves as employees and invite their employer as a first step towards the bargaining table, even if their employer fails to acknowledge this invitation. As Burke suggested cooperation and Booth suggested listening, the theory of invitational rhetoric marries these two key outcomes to create a rhetoric that is inclusive and non-binary. I set out within this chapter to engage in a rhetorical process that moves beyond definitions of white savior rhetoric of resistance and invitational rhetoric in favor of labor rhetoric created by undergraduate organizing. This rhetoric attempted to move beyond legal definitions because it emphasized laborers whose care work is not traditionally considered work. Yet, they failed to center their organizing work as intersectional and reinscribed white supremacist rhetorics in the guise of equity and control based on their focus on the legal systems of power in lieu of building camaraderie with the already existing community of care workers within Washington D.C at Local 1199 SEIU Maryland/DC Division.

Mechanics of the Case and Timeline

The document which will be examined is the public case file of The George Washington University, v. Service Employees International Union, Local 500 in case

number 05-RC-188871, specifically the “Decision and Direction of Election.” Within this case file is the inclusive argument from the George Washington RAs that fit the definition of employee as set out within *Columbia* because they were paid for their labor, had required training and duties (NLRB, 2016). The university argument sought to decrease the circumference (Burke 59) of the employee definition by citing *Columbia* as a reason not to include RAs and by citing the previous precedent *Brown* which claimed student employees were students first (NLRB, 2016). Additionally, they claimed the *Northwestern* ruling for college football players was applicable to RAs (NLRB, 2016). The *Northwestern* case was referenced as supporting their contention that student employee unions were unsanctioned—as stated in Chapter 2—due to the NLRB's refusal to claim jurisdiction over football players due to the public and private status of institutions (NLRB, 2016). However, there was no precedent for RA organizing and the NLRB decided that there was no reason to exclude one specific job category for union representation, as it fit the main guidelines of the NLRA:

Under the test established by the Board in *Columbia University*, I find that the RAs are

“employees” within the meaning of Section 2(3) of the Act. The evidence shows that the Ras have a common law employment relationship with the Employer because they: (1) perform services for the Employer; (2) are subject to the Employer’s control; and (3) perform these services in return for payment. I find that the RAs’ educational relationship with the Employer does not preclude a finding that they are Section 2(3) employees. (NLRB, 2016)

The campaign itself was legally a success through its creation of a precedent for the RA movement; however, this failure resilience narrative takes away from the fact that the election itself was canceled because an organization with more power than the undergraduate laborers decided for them. They were assumed to fail and not invited to their own election and therefore, they failed. It does not take away from the sting of time, energy, effort, and labor put into the unionization effort that no one was invited to participate. Therefore, this chapter will engage in both a celebration of the precedent created by George Washington within the rhetorical movement for RAs and mourn that the union and its potential membership failed to have the ability to exercise their democratic right and vote for representation.

Some of the most notorious campaigns such as Occupy Wall Street are technically considered as failure because the same systems have remained in authority. However, many activists cut their teeth on Occupy. The slogan, “we are the 99%” is an unforgettable phrase that demonstrates how a campaign that was destined to fail via the traditional sense of the word, still permeates public consciousness and culture, energizing workers towards the wider labor movement. Others remember the 2011 Madison, Wisconsin protests, against Scott Walker’s destruction of collective bargaining, which also was considered a failure. What the Wisconsin uprising did was change the conversation about unionization for average people, it was a chance to see graduate employees, educators and police, and firefighters working in solidarity to challenge the government of Wisconsin. Employees were empowered to enact their vision of democracy in action. Yvonne Slosarski claims that through political culture jamming the

protesters at the state capital in 2011 jammed Walker's rhetoric regarding the capitalistic business as usual model and labor's conventional reply through community gathering, solidarity, self-care, and testifying (253). In place of this new understanding of unsuccessful social movements as a space to grow and learn, the purpose of this chapter is to examine the contested rhetorical construction of the term employee concerning RA labor. In addition, this work examines both the inclusionary rhetorical strategies employed and the exclusionary circumstances of both the university and the union.

The workers had "gone public" with their campaign at the end of November 2016 on the heels of the *Columbia* decision by filing their petition with the NLRB and publishing an unsigned letter to the editor (NLRB, 2016). Within political actions, signatures after a letter to the editor are considered one of the most powerful tools that a worker (or dissenter) can offer a movement. By failing to sign this letter which cites themselves as employees, the RAs avoided retaliation from their employer after being outed as activists. Yet without naming and declaring themselves as part of the movement, they lost their rhetorical effectiveness. The argument for unionization according to "Op-Ed: RA statement on organizing movement" was transparency within their employment appointment about their work times, grievances, and clarification regarding the limit to only ten hours a week outside of their work (The GW Hatchet). Similarly, they wanted an increase to minimum wage, as according to their salary and stipend of \$2,500 per year across an academic year, it accounted for a little over three dollars an hour (The GW Hatchet). Washington D.C. is an incredibly expensive city, therefore free housing and two thousand dollars in exchange for "on call" work is a good start, but the failure of

clarity of hours, positions and lack of livable wages drove this campaign forward to gain power again over their working conditions. GW RAs received strong dissent and resistance from many professional organizations in their bid to be credited for their employment work. The contrast between the appeals for a living wage and the legion of professional organizing against it continues to echo the rhetorically exclusionary institutional argument that student workers are not employees and therefore not guaranteed the same rights. Each organization that employs, supervises, and dismisses RAs deliberately decided to reflect their professional dissatisfaction by drafting a brief in favor of GW.

The institutional objection was that RAs were not employees because their work was educational, on-call, and therefore unofficial and finally they were students first. After four amicus briefs, expert witnesses composing persuasive documents on each side of the issue, and three short hearings to determine whether the case could be adjudicated by the NLRB, from December 2016 to April 2017, the workers were in limbo. The amicus brief filed dissenting that GW RAs be considered for employment was filed on December 16, 2016, citing their educational role (NLRB, 2016). The argument claims the work is just that, not work, devaluing the role RAs have in rule enforcement, community building, and emergency response:

The “work” that RAs perform has no specific hours; it emerges organically from the RAs’ informal relationship to the students for whom they serve as peer advisors; it is often predicated on the confidential nature of information residents routinely share with RAs, much of which is protected from disclosure by the

federal Family Educational Rights and Privacy Act (FERPA) and it is universally considered to be a critical aspect of the educational experience of each RA.

(NLRB, 2016)

Organizing domestic workers face similar blowback. Care work is a form of labor that enables others to maintain the health and safety of their residential community. It is often unseen and unheard-of labor, but it doesn't mean it doesn't exist.

The exposure of private or student data constitutes a FERPA violation. Due to the age and experience of undergraduate employees, this is even more important as RAs are often bound by their role as mandated reporters and their confidential role as community guardians. Neal and Melissa Hutchens claim in their overview of student employee unionization movements that election data, i.e., the excelsior list, allows for private worker contact information for data purposes and is potentially open to being a FERPA violation (228, 229). The dual status of both student and worker makes privacy concerns an even more indelible issue. In the case of RAs, it is doubly so because the employees live in the place and location where they are working. Like company towns, everything is controlled by one central organization: the university. However, since public university unions from graduate students have been ongoing for the past fifty years, there has been no loss of privacy or confidentiality in establishing these union protections.

Finally, the role of collective bargaining in response to the room and board that functions as a paid in goods and services salary is a concern for these organizations in support of the institution. What if room and board increased and the university had to pay them more and re-negotiate with a union (NLRB, 2016)? It is a laughable argument

coming from an already stingy university. If RAs receive additional compensation for their room and board, then the union representative would merely engage in a brief impact bargaining noting the cost difference shift in room and board. Yet, for those who do not understand civic literacy, this could be a major deterrent against unionization. Universities seek to keep their workers in the dark about the collective bargaining process mainly, to discourage it. Overpaying RAs when they already make on average three dollars per hour—breaking minimum wage laws in our nation's capital—is not only rhetorically exclusionary, it is criminal. George Washington used *Brown* as part of their exclusionary rhetorical argument, like both Grinnell College and University of Chicago (NLRB, 2016). Each private university has used the overturned precedent instead of the current one, as a basis for their case of rejecting private undergraduate unionization, which stated that instead of employees, the workers are students because their roles are educational. Lastly, the argument that there is no evidence that RA unionization is positive is an example of argumentum *ad ignorantiam* (NLRB, 2016). Just because something is not proved to be true does not necessarily mean that it is untrue, for example, the NLRA does not list RAs as legally being excluded, therefore, it demonstrates their need for inclusion within employee protections.

On April 21, 2017, the NLRB ruled that RAs were employees because they were paid a salary and given housing (NLRB, 2016). Overall, the decision was made because RAs both sell and trade their labor for payment. The institutional object was that RAs were not employees because their work was educational, temporary, and therefore

unofficial and finally they were students first. According to the unsigned letter to the editor:

We believe that the rhetoric used by the University speaks for itself. The Center for Student Engagement is currently disputing our status as employees of the University, despite our contractual label as such. On Friday night, Dean of Students Peter Konwerski referred to us as “students who are participating for a period of time in a program as part of their educational experience.” It is this very failure to recognize the value of the work we do to promote the physical, mental, and emotional health of students as real work, that furthers our belief in our need to form a bargaining unit. (The GW Hatchet)

As previously stated, care work is often marginalized and construed as feminine. The role of an RA can encompass everything from homesickness, fire drills, active shooters, physical labor such as moving, emotional crises to illness, and safe room checks which shows that emotional labor is a valued component of their work. RAs see themselves and their identity within their positions because they both live and labor within their home in their communal space. GW did not consider their labor as work because it is performed at school, furthermore, since it is performed at their very home, it can be difficult to divorce the self from the action of labor. Just as care workers labor at home in a wage less capacity, the RAs were taking a strong rhetorical stance of inclusivity, that their work performed at their home with their fellow students was valuable and important. When it comes to RA and care work, both share similarities within the paradox of time off. If an RA or care worker is on-site and there is a crisis,

they must labor, even if they are technically not “at work.” Despite the personal, professional, and educational value to the development of a worker’s identity, the *sine qua non* of RAs is clear — these workers are paid for services completed on site under the direction of an employer (NLRB, 2016). The hidden mental, emotional, and physical labor genders these student employees — placing them at the bottom. While originally intended to safeguard employee rights, skilled worker unionization increasingly segregated the cognitive from the physical, isolating the mind from the body, forgetting domestic and care labor, and coding it as unskilled and for people of color. After being ruled as employees by the NLRB, the ruling has failed to be tested, therefore, there is no current attempt to set the legal precedent for an election and collective bargaining agreement for RAs at private universities. GW RAs sought to rhetorically include even those paid-in-kind as workers but were abandoned by traditional union structures and haven't been able to mobilize without them.

Historically, according to Katherine Boone et al. in *The Journal of College and University*, RAs began as offshoot positions of housemothers who were hired to replace professors who initially lived in the dorms with their students on campus (40, 41). These women served in *loco parentis* as family structure in absence for the youths not yet considered adults until the 26th Amendment made eighteen the legal age of adulthood (Boone et al. 39). Over time, students were hired to assist housemothers. Student employees replaced the parental aspects with a mentorship relationship based on their shared status as adults and the RA job was born. The RA is now the only support person living in a dorm because it was less expensive to pay them in housing and stipends rather

than an additional adult employee. The housemother concept is even more troubling as these were positions that elderly women who were lower class often had to work for poor pay, due to the lack of other employment opportunities. The surplus value of the women's work was invisible and unseen because women were expected, assumed, and even encouraged to take care of children and youths. This factor carries over to the position itself, the work is deemed less valuable because it is emotional work.

Care work is marginalized and the role that RAs have as emotional support is a service paid for and provided by the university. The gendered dimensions are impossible to overlook. Care work is often considered feminine and historically has often fallen to the purview of women of color. The role of emotional labor within RA work is doubly more complicated because Black and women RAs are often the ones doing additional work in solidarity for those who are transitioning to a white elite traditionally male university. Care work and care labor is often off-loaded to African American women and still not valued for the contributions it has made to the economy. White RAs are complicit within this situation because students go to RAs, they feel comfortable with, such as one with their similar racial or gender identity. Recent studies have linked RA performance to emotional intelligence and RA burnout due to emotional exhaustion. While additional research needs to be done on these topics, the theme is critical, RAs offer substantive care work to their residents and the university and their attempts to unionize have been substantively difficult because the work they do is often undervalued.

The rhetorical articulation of the term employee and attempt at rhetorical inclusivity was silenced. GW RAs did not have the opportunity to hold an election and freely choose to represent themselves as employees or engage in an equal collective bargaining relationship with their employer. They chose a union that already represented a similar bargaining unit and educational community of interest, their adjunct faculty. They were invited to join an already established community, placing trust in their allies in hope of solidarity. GW RAs had complete faith within their union representation choice, explicitly stating it within their open letter. Like the Teamsters, SEIU has a reputation of corrupt behavior and embezzlement, although more recent. Conversely to the union of professional's model of AFT, SEIU engages in bold and high stakes media strategy putting public pressure on institutions and engages in aggressive campaigning on campuses to drive supporters over the final threshold. However, SEIU is the union that began the iconic "Fight for \$15" Campaign and was one of the few unions to represent "unskilled" fast food workers, bringing dignity to all labor positions. They are a union that takes risky campaigns and often (not always) pulls fast wins and elections, with slower results to contracts. The move to align with adjunct faculty at SEIU was a chance to build deep solidarity and engage within rhetorical inclusivity. Because the job titles were different, they could not file for an election within the same community of interest, yet they could still lend support and function as "one union" in marches, rallies, and events. The attempt to be inclusive and build bridges between both adjunct professor and student employees was a defeated measure.

While there are no current plans to organize GW RAs at present, recent changes to the employees' status in 2019 have led to questions of exclusionary tactics to create distance from the NLRB ruling. The first major rhetorical shift was the careful deletion of the work employee and the addition of the work leader. A leader has power and prestige, the casual renaming of this employment position as an opportunity rather than a position where one trades labor for payment in kind, softens the language into that of a student rather than a worker, removing the need for legal documentation such as a W2. The position description states that the leadership opportunity will prove useful in future employment; however, being an employee is something that is reserved for the future. In place of a contract, RAs are provided with an agreement.

The NLRA makes plain that unfair labor practices based on retaliation are illegal. It is difficult to prove retaliation when a union has abandoned a movement, removing options for legal resources. RA duties and appointments at GW increased and the number of students per RA was cut. Instead, RAs now had a firsthand role in directing their residence through patrolling the halls, door knocks, and being "on call" every few weeks for entire weekends ("Officials overhaul resident adviser agreement"). Therefore, the increased surveillance of both residents and occupants indicates the RAs are powerless even in their own home, the company town of the university. RAs are not trained police officers or emergency responders and the role of uncontrolled wellness checks is ambiguous at best. Some RAs were also given roommates with no opportunity for "off time" even from their work colleagues. The institution made it clear: RAs could not have privacy in their own home, they were lessees, their room was owned by the university.

While the institutional argument claims RAs will be able to integrate themselves further into the community, there is no accountability for time (“Officials overhaul resident adviser agreement”). The position oversees personal crises large and small. Beyond the limit of enforcing dorm rules, the position of RA now includes watching out for and caring for students on a round the clock basis, therefore, the job fails to end. The boundaries are further blurred between home and employment and the room becomes an office and not a place of separation of the work and self.

The wages have increased for RAs, however, with one major caveat: they are no longer within a form of capital. The RAs are given a card for food at the dining hall loaded with the funding from their stipend. GW claimed by providing a card with the entire semester’s worth of food on it, they were allaying students' fears about hunger, helping other residents to budget, and taking the choice away from them regarding where to spend their capital. Like care workers RAs share a similar plight, they are now paid in “scraps” which was traditionally the take home of many Black domestic workers. Thousands of dollars of a food allowance prevent food insecurity among college students. However, dining halls are notorious for their inflated cost for meals. Like George Pullman’s manufactured company town, the cost of food and rent was incredibly high. Deeper issues are at play if students at GW are going hungry, in effect, if they can’t afford a meal, the university should be paying them the legal minimum wage and be held to that standard. Additionally, the universities choice to pay RAs not in cash, but food, was another calculated attempt to rhetorically exclude and undermine the opportunity of another union organizing campaign. Leader provides a fancy title but removes any

freedom from the employees to choose how they can spend the capital resulting from their labors. It takes away the power from the laborer and removes the visibility of the earnings. In lieu of payment, since the item is consumable, the wages no longer must be taxed and credited by the government as employee wages.

GW is in Washington D.C. and one of the most expensive institutions in the country. The location of the seat of the government near the university itself makes the parallels clear. Students often attend GW for political, legal, or international relations careers. The student body is overwhelmingly white or international and there is a sizable Jewish population. Greek life and environmental activism are the most common activities on campus. GW is known for its strong multicultural beliefs and outgoing students who dress professionally for class often because GW is seen as a transition to a future political career. In addition, 14% of undergraduates are first generation (George Washington). There are a variety of union attitudes within the DC metro area, due to the number of bordering states such as Virginia and Maryland with different political leanings and the high number of international and out-of-state students who attend GW who do not have the same laws as D.C. While unionization was an arduous task in 2016, however, with the title limitations and lack of capital from the labor enacted on campus and the political climate, the institution has made it increasingly difficult to unionize. Therefore, with a key understanding of how rhetorical exclusionary tactics can make or break a movement, GW has intercepted their RAs from unionization with a single word change from employee to leader.

Not all have given up, when comments were opened to the NLRB in 2019, George Washington University, due to its prevalence for educating lawyers and location within the nation's capital, received multiple comments of research paper style length of rhetorically inclusive rhetoric. According to a public comment by Andrea Uribe, "The universities are profiting from the research that students both graduate and undergraduate perform in both regards of receiving grant money from outside sources to continue the work students do as well as the prestige that comes from the research itself... [She concludes] Without the protection of collective bargaining universities will exploit students' work and research without being reprimanded in any way" (NLRB). While George Washington may never again have an opportunity to unionize their RAs until the laws change sufficiently by drawing attention to the connection between the prestige economy and care work exploitation, Uribe's comment shows that the university rhetoric of excellence is false and an exclusionary rejection.

Rhetorical Implications of Comparative Cases: Case 1

The fear of being "left behind" by a national union is paramount now within private undergraduate labor organizing due to the rhetorical exclusion of GW from their own decision-making process. Because NLRB documents on this case are limited, both redacted and pulled, this work will also compare one other unionization mobilization movement alongside George Washington briefly for context based on the precedent created. In examining Reed College Housing Assistants (HA), the only other independent union, this work will show the results of the RA organizing movement and the steps that Reed decided to take post-GW's election cancellation in how they built their movement.

They chose themselves as the collective bargaining representative as their own local and not affiliated with any parent national organizations, Student Worker Collective (SWC), Local 1. Independent unions can regulate dues payments or not have dues at all, a significant choice was specific to Reed (Douglas). Unions cannot run without dues or significant amounts of time; therefore, maintenance of membership is required in either capital or labor. After SEIU dropped the RAs, it shattered the trust that private undergraduate employees have in national organizations. While the International Workers of the World (IWW) was an option at the time, the fears of being militant leftist and inducing fears of the dangers of communist rhetoric would be too confrontational and alienate the membership. Yet, by choosing an independent union option, Reed did not have access to the national resources, but they had power over choosing their bargaining unit and timing to file for an election. It was a risk they were willing to take. They had to organize beyond the margins, it was their only power.

After the refusal of the institution to voluntarily recognize the union (taking its lesson from Grinnell's recognition of a small unit leading to larger representation) SWC took their authorization cards from the HAs to the NLRB, filed for an election, and won at a 92% margin (SWC). Voluntary recognition is offered as a choice to the institution and a common tactic at the IWW, asking permission before begging forgiveness and moving through legal channels. In lieu of gaining their respect, it put Reed College on guard. SWC had been organizing all student employees on campus, however, they chose to only file in a single community of interest with what they strategized as a winnable issue in January 2018 (*Student Workers Coalition*). The "microunit" strategy (like Yale)

of filing for a union in limited member categories over large-scale membership drives from national unions is often the starting point for independent unions, merely due to their lack of resources. The goal is to eventually file for larger units moving forward, such as UGSDW did in Chapter 2. Positions vary within academic communities, even with a legal community of interest, it is often not possible to maintain solidarity across multiple departments and campus locations. Therefore, the HAs were a small but well-defined group with a strategy to win. Reed chose to self-govern and temporarily secede the question of dues, although SWC seemed to have a dual purpose, both an advocacy organization and a union.

It is tempting to imagine that Reed College was born in 1908 from the minds of radical and anti-establishment organizers, like Athena charging out of Zeus's head in full regalia. However, it has a much more traditional reputation ("About Reed"). Reed College was founded on the principle of Ivy League level education to follow the life of the mind in place of sports, fraternities, or other distractions from learning. Reed College has a long history of student leadership, community organizing, and liberal principles based on equity. They have a modest endowment of over five hundred thousand dollars, accept about thirty-nine percent of applications and demographically the institution is mainly white (National Association of College and University Business Officers and Commonfund Institute). Reed has a rigorous academic program, first year seminar, and *paideia* which functions as a learning festival encompassing all disciplines, including those considered frivolous such as calligraphy. They have limited emphasis on grades and grading and increased emphasis on commentary. Enrollment is fourteen hundred

students with a ten to one student to faculty ratio (Reed College). Their Honor Code is based on no rules, merely acting in the least harm to the self and others and doing best for the community, it is not heavily enforced and is a recommendation more than a guideline (Reed College).

Reed is known for its Renn Fayre, an end-of-the-year traditional celebration including parades, singing, fireworks, bonfire, nudism, and unbridled and hedonistic drug use. Their unofficial motto is communism, atheism, and free love—based on their principles of anti-capitalist, community responsibility, and a noted lack of religious preference. Based on this description, Reed seemed like the perfect milieu for revolutionary and progressive labor organizing of undergraduate laborers whose opportunities to seek collective bargaining had never come to fruition.

Seth Douglas is a nondescript white male in his thirties from Oregon, but at one point he was the most dangerous man on campus. A card-carrying member of the IWW union, Douglas led the unionization effort of the SWC and was a one-man shop. He laughed when Reed called him an outside agitator who recycled the language of the working-class to fit his own needs. But he admittedly is. Although Douglas noted positively about the institution, “no one threatened to break my kneecaps.” He was a frustrated mail clerk at Reed angered about the inequality in the change in pay scale, an elder compared to the teenage HAs with their acne spotted faces and stringy hair. Douglas had previously attended Reed, dropped out, and returned as an adult and was surprised with the changes he saw tuition had markedly increased as did campus bureaucracy and administrative positions. Student power, once a cornerstone of Reed,

was quietly silenced and contested and filtered off into meaningless working groups. He saw an independent union effort at Reed as a larger attempt to build collective power campus wide for the sake of justice for workers.

SWC was compelled to act after a change university wide at Reed College which classified the Housing Assistants (HA) as employees in 2017 (“At Reed College, students are unionizing.”) HAs are like RAs; they supply community and event support to their residents in on campus housing. They signed their yearly contract and in lieu of waived room and board, they were receiving the dollar value of their stipend and taxed on it. HAs were required to live on campus and subsequently were charged for their room and board for less than they previously received, despite their level of work staying the same. Any options of organizing within Reed were buried after HAs provided a list of demands to their supervisors. Angered and upset, the HAs quickly joined ranks with SWC, which was already organizing other on-campus workers. More concerns were gender issues including sexual harassment, emotional labor, and the failure to treat women and male employees equally. Reed, like many institutions, has a slightly higher female to male demographic. HAs status as a mandatory reporter became a prevalent concern that without training and support, they could not help their residents in crisis such as after a drug overdose or sexual assault.

Reed’s unilateral decision to change employee classification from the top down rather than the bottom up by taxing room and board led to a “hotshop” organizing campaign. A hotshop is a campaign that “starts fire” over one key organizing issue (McAlevey 158). In this case, it was the taxation on the student stipend valued at \$13,670

NLRB (SWC). Within the organizing conversation schema, agitating the worker and moving them to action is an essential part of the union structure test. Are workers willing to sign a card, petition, attend an action, bring other colleagues to meetings or lead meetings? When a worker gets hot and bothered and rushes through the organizing conversation and moves quickly towards an election without considering long-term strategy and consequences, hotshops burn turf. Like any good union organizing campaign, the failure to identify strong leaders and complete a series of tests for workers, often leads to campaigns with a poor foundation and subsequently, a weak or non-existent contract (McAlevey 159). One on one conversation with workers in finding and identifying issues was still used as a primary motivator for contacts moving forward into agitation and moving to action. Organizers at Reed underwent the traditional worker led campaign including debriefing conversations, listing, and mapping out targets and potential members. The rhetorical argument for the HAs was that they had a dual relationship with Reed, one as a student and one as an employee, focusing on the dignity and pride they had in their work.

There was one major leader within this movement. Douglas led the organizing effort and completed legal briefs, ran meetings, and wrote the entire website content from studying labor and law online. He dedicated himself as a one-man lead believing that worker control of work matters, and the HAs would be provided the opportunity to have a say in their workplace. The demands outside of labor law were broadly situated within a vision for working-class justice, including fifteen dollars an hour and job security specifically for students who are low income and require the funds to attend college

(SWC). While the other organizers were teenagers without experience in the employment world, Douglas had prior organizing and working experience and single-handedly accepted this challenge as his own. He was not an HA and never was one, no other worker was comfortable with going up against the NLRB or the administration because they did not have the civic literacy or experience to do so.

The institutional rhetoric was ironically dually inclusionary and exclusionary. Reed first rejected that HAs were employees, but they dually said that *if they were employees* three hundred more student employees should be added to the bargaining unit including tutors (NLRB, 2018). It is not possible to argue both sides of the argument in the same legal case and expect a positive result. In presenting the brief in February 2018, SWC made a compelling argument: HAs were not casual independent contractors because they were taxed as employees. Employees are required to attend training, live on campus as part of their position and that their role was a job, an exchange of labor for goods and services, not an educational endeavor according to the NLRB “Brief on Behalf of Petitioner” (NLRB, 2018). While they may also learn valuable skills from their workplace, the purpose of HAs is an exchange of services for a form of capital such as money or housing. This rhetorical inclusionary format of the RAs as workers outranks Reed’s life of the mind argument on RAs. When one is laboring for room and board and has a history in bargaining with the employer informally, they are employees (NLRB, 2018). Similar to George Washington and Grinnell, Reed also suggested *Northwestern* as a parallel case. The NLRB rejected the opportunity to review this single case at a single institution because public universities are also part of the same community of interest and

NLRB does not have jurisdiction over all football student employees, public and private (NLRB, 2018). It was already struck down previously at GW following *Columbia*. HAs were ruled as employees with the opportunity to choose their own collective bargaining representative (NLRB, 2018). Through the utilization of the GW ruling for RA unionization, SWC was able to have an election and represent themselves at the NLRB and the ballot box. The ability to vote and freely choose their union representation grew their collective power as a group. Therefore, GW provided a precedent for those who would come after them to have an election.

The highlight of the campaign was the HAs winning, despite the legal hurdles. The employees were concerned about their future and ability to even attend college with the cuts to their income, they were terrified that they would eventually have no place to live. SWC, like GW RAs, achieved a temporary win by being classified as employees. That is the trouble with social movements, when the rhetorical wins are temporary, the employees often do not want to remember. Like all other private undergraduate university efforts, the pushback from the university alongside pressure from national unions, led to Douglas quietly withdrawing the petition. There is no organization currently ongoing at Reed College. Without the networks of support and resources from faculty, alumni, and the only union on campus, SEIU-49, their campaign could not continue even without legal certification. SWC attempted to re-invent the wheel and create a culture where unionization was nearly nonexistent.

Both GW and Reed College as institutions took their rhetoric of exclusion to another level by advocating for not only the reversal of *Columbia* but endorsing an

NLRB decision already previously overturned based on class alone. San Francisco Art Institute that students laboring as janitors were not employees because they worked for tuition waivers, work study, or hourly pay, emphasizing that their servitude was temporarily tied to their education (NLRB, 1976). Exactly like undergraduate employees, they often worked around their own course schedule. By calling these employees temporary workers, it set a precedent that institutions are still using today to link the invisible and emotional labor of RAs to the domestic and cleaning staff. Now that most undergraduates are required to work to attend college, this attitude in the 1970s of merit based on finances alone at an arts college in San Francisco is particularly galling as it cites that those who exchange labor for pay are somehow lesser than those who come from more affluent backgrounds. By stripping the dignity from the work and citing its impermanence, they crafted a compelling argument that college provided a guaranteed upward social mobility. Now no one can make that promise that the journeyman would rise to become guild master or eventually the gentleman scholar.

The exclusionary vocabulary of master and servant, rather than master and slave, which agricultural and domestic workers come under, throws employment into a hierarchical binary opposition with each other based on class and race status, according to common law. One inevitably has power and control over the other, it begins to separate the business and personal mix of working within a household or land. The NLRA eliminated these common laws, creating equality between employer and employee at the bargaining table to negotiate their working conditions. As Foss and Griffin demonstrate

through invitational rhetoric despite the presence of equality at the bargaining table, there still must be respect there too, which is absent from the university's dialogue.

Reed is in Oregon, which at one point, legally banned Black people from the state. This law stayed on the books until 1926 and has deep ramifications because the Black population of Oregon is still under five percent ("Black Exclusion Laws in Oregon"). At the same time, Reedies Against Racism (RAR) was a movement that ran parallel to the undergraduate labor organizing of SWC, which gained national attention for protesting the Eurocentric viewpoints of the humanities requirement at Reed. After a very public demonstration and occupation of both "First Day Hum 110 Protest F2017" and Eliot Hall, the curriculum was altered — the college adopted an anti-racist statement and currently, there are now eight faculty of color tenured or tenure track at Reed College according to "Milestones in Black History at Reed" (Lydgate). Yet students were divided, friendships were fractured, and negative media portrayals dominated Reed's campus community.

The marginalization of Blackness, Black forms of knowledge, and understanding were not connected in solidarity with the goal of shared humanity for all work and workers to the unseen employment violations under which the HAs labored under. In sum, unions were considered passé racist organizations and considered unnecessary for the undergraduate laborers at Reed College. Reedies at Racism did not seek to collaborate and misunderstood their own message of solidarity. The circulation of a statement by Angela Davis on political neutrality places their anti-racist pedagogy at the front and center. However, they didn't seem to understand that by centering their activism in

changing educational systems they neglected to consider that SWC was doing similar work through their rhetorical actions based on changing the conversation of what undergraduate labor can and should be. A weakness of SWC was that it was led by a white cis heterosexual male who reinscribed the same messages of equity into a white led and dominated legalistic framework. Each activist organization fought for its own vision of freedom from oppression. Yet while SWC used legal rhetorics through the tools of the middle class, Reedies Against Racism occupied classrooms, buildings and ignited a campaign to divest from Wells Fargo. Students risked expulsion and were removed for violating the honor code. If these two movements had joined together for a shared purpose and vision of social justice for all workers by identifying this chain in the point of production to slow down or stop Reed College from functioning; they could have re-imagine rhetorically what undergraduate labor looked like by drawing both the body of the mind to the body of the laborers together.

The infantilizing concepts of master and servant are still present in institutional settings with undergraduate employees because they are still perceived in-training for their careers rather than employees. Yet as Ellen Dannin states in *Taking Back the Workers' Law: How to Fight the Assault on Labor Rights*, while the NLRA has abolished this concept of servitude, judges still use this paradigm to influence their legal decisions (28). The employer is the patriarchal figure, and the employees are children who are subject to his control and can be disciplined as such. If workers misbehave or enact an unsuccessful job action, they can leave or be dismissed, and the employer can choose a more worthy person for their property (Dannin 28). The emotional labor behind these

positions is unseen. When RAs or HAs put their “heart and soul” into their jobs that is another type of investment that precludes them from leaving their job, keeping them, in essence, tied to their care work because they have created more than a financial incentive and investment, they have an emotional link to their residents because they live in the same buildings together. In this case, the employee can use the NLRA to address complaints or concerns in the workplace, but they are unable to own or have a stake in anything at their job.

The geographic location of the job, as well as its history and present political atmosphere, reflect the rhetorical choices made by organizers and unions. The traditional form of organizing conversation is getting the story, agitation to education, vision, inoculation, and a move to action (the ask). As Ted Brimeyer et al. state within a rhetorical analysis of a grocery store union campaign, the concept of vision was communicated by both the organizers and managers successfully (68). Managers stated within their union vision it would result in poor consequences if the store was unionized, organizers used vision to paint the picture of the union with a broad brush. Similarly, agitation was used to garner support, either for or against the union effort either through third partying or collective power. The organizers were leading the effort and managers were responding either sardonically parroting the company's failed logic or energizing workers about their future through storytelling or frequent contacts (Brimeyer et al. 69, 70). Legal rhetorics of inclusion push the boundaries in the court and present a danger to hierarchical structure because of the challenge it offers to dominator logic and structure of power. However, Brimeyer et al. conclude that the milieu itself can contextually

determine an organizing campaign including the past, topography, political climate, and culture. As Jessup points out from her experience organizing the GSWO at NYU, the organizing work itself is based on a multiplicity of factors:

University organizing does have its own set of circumstances that inform the day-to-day of the campaign: a large, wealthy employer run by an ever-growing administration and a board of trustees representing corporate interests; a diverse group of workers, sometimes with union contracts; a nonprofit status with a public image and relationships with the political and local communities; students and faculty who can become active around issues and help shape the community opinion. (Jessup 146)

NYU eventually became successful due to its strong escalation tactics and the ability to honestly assess their weak points within their campus culture and community. These two movements of both RA and HA organizing did not have a dedicated culture behind them or a social bargaining and public pressure techniques through a communal safety net.

Rhetorical Implications of Comparative Cases: Case 2

The only present RA union is at University of Massachusetts (UMass) Amherst through the United Auto Workers (UAW) Local 2322, which is essential to the discussion of environmental and factors within organizing. UMass is best known for its Amherst Labor Center founded in 1962 which publishes papers, reports, and has several degree programs educating labor activists in both undergraduate and graduate programs that focus on the rights of workers, rather than employers (UMass Amherst Labor

Center). In addition, the labor master's degree hires graduate assistants for their program. UAW 2322 maintained the only RA and peer mentor union, public or private, in the country for nearly a decade. UMass Amherst workers have a long history of unionization. Following the trend of other states such as Wisconsin and California, Massachusetts public employees won collective bargaining rights in the 1970s. Therefore, there are eleven different bargaining units at UMass Amherst. Three of the units, including RAs, are represented by the UAW. The RAs began their unionization drive after the graduate employees unionized, calling for similar representation. UMass made similar rhetorically exclusionary arguments in the public sphere as their colleagues in the private sector: RAs are not employees and the law does not cover them to collective bargaining rights, students' privacy rights would be violated if RAs had a contract and if RAs are employees, they are temporary. The public board concludes that despite their role as students, RAs have contracts, defined schedules, and, like Reed, already informally bargained with their employer (Massachusetts Labor Relations Court). This case was long before *Columbia*, *New York*, and *Boston Medical Center* were cited as comparative examples of unionization within the private sector. The RA manual cited by the ruling states specific roles of the RA including: "role modeling, programming, advising, administrator and crisis manager" (Massachusetts Labor Relations Court). Critically, the outcome of these roles is to firstly create an accessible, compassionate, equal, open, focused, and lauded community" (Massachusetts Labor Relations Court). The emotional labor of RAs was finally recognized in the public state courts, the fight for recognition was longer.

A human resources manual titled, *Collective Bargaining in College Dorms* is the only case study where RAs have an active union and are engaged in collective bargaining, University of Massachusetts (Amherst). Patrick McHugh's manual was published five years before George Washington's NLRB case; therefore, it was actively available as a source that the institution could have utilized for their NLRB case yet chose not to. This work provides another perspective to engage within the rhetoric of collective bargaining based on one case study from an employer perspective who teaches this data to students. It plays out these union discussions with the field of what not to do. McHugh examines unions from the perspective of human resources (HR) and business lens, he offers important economic takeaways. Unionization consistently raised the RAs level of yearly pay, corroborated by their local website, a 20% bump in pay over the past three years of their contract (UMass Amherst Labor Center). He makes final recommendations via his case study for students seeking HR careers: hearing a majority of employee concerns in an earnest matter, unionization resting on the shoulders of employees and not employers, maintaining a clean public image by not refusing to bargain and workers who care about their job are often unpredictable (McHugh 42). According to employment law and the NLRA, domestic and agricultural workers are not federally considered employees (McHugh 32). The term "employee" has rhetorical connotations and implications in and of itself as Chapter 1 set out. Domestic and agricultural workers are not considered employees by the federal government, according to employment law and the NLRA (McHugh 32). The rhetoric behind barring union rights from domestic and agricultural workers' exclusion cannot be estranged from race,

class, or gender because the diction of the law is divorced from race, class, and gender (Perera 10). RAs and HAs are doing similar work to domestic laborers but for multiple “homes” and residences coded as unskilled. The challenge that undergraduate laborers are not employees fits well into the classist, racist, and sexist paradigm of Southern Democrats who rejected the inclusion of Black and brown workers into unionization in the private sector through the NLRA.

Using UMass Amherst as an example, after the sit-in and arrests of student employees, the university finally agreed to bargain. They agreed primarily after videos of the police dragging students away to be arrested surfaced posted to “UMass Arrests 35 in RA Sit in for Union Recognition” (Oelberg). The video is now used as a union recruitment tool at the beginning of each school year. By taking the negative actions of the university and placing them without full view of the employees, they can make plain the rhetorically contested distinctions of student versus employee as the erroneous concept that it is. The university wants to be the one who has the power to decide who is a student and who is an employee and who is not.

Due to a mixture of distrust and ambivalence on both sides, first contracts are notoriously difficult to win. Yet where there are no active campaigns against the workers from either dueling campaigns or the institution winning a collective bargaining agreement it is possible (Oelberg). With groups of newly unionized workers in smaller units, it can be easy for the institution to ignore or hinder proceedings (McHugh 36). For example, UMass Amherst had approximately three hundred workers with a voter turnout of one hundred and thirty-eight for the union and eighty-eight against (McHugh 36).

There is strength in numbers, but in a small unit, division—or as discussed in Chapter 3—deregulation is possible. But after a delay for more than a year, dogged workers were ready to mobilize enacting the final rhetorical action that they could legally be pursuant to state laws, a sit-in, and occupation of a building. Strikes are not legally protected state by state; this was the final embodied action they could take to make sure their union was recognized. Therefore, UMass after being excluded from the university rhetorically as employees demanded their labor and voices be heard by physically taking their laboring bodies to their institution for recognition. Employees were arrested and following bad press, the university changed its mind. Despite the differences in sectors, public and private labor law are nearly indistinguishable and the opportunity to examine a case study similar to GW and Reed shows that while RA unionization can be done, it takes active and participatory membership and solidarity to achieve a collective bargaining agreement, including employees who seek to improve their jobs for their successors.

Organizing without personal benefit is a common theme within undergraduate labor movements. For example, Aaron L. Johnson cited in his public comment to the NLRB, his role was building the RA union for undergraduates despite that he was already unionized as a graduate employee. Within his five-page researched work submitted to the NLRB, he cites the dual role of graduate employees both student and employee is also held by undergraduates who work on campus those who labor as RAs are even more firmly tied to their institution:

Fifth, student employees other than graduate students have also embraced unionization. For instance, during my tenure at the University of Massachusetts, I

helped to organize a bargaining unit of undergraduate Resident Assistants (“RAs”). The RAs, who lived in dormitories, assisted fellow students with social and emotional conflicts, and led sports and other intramural activities – while maintaining a full course load – ultimately gained union recognition and a string of collective bargaining agreements. Subsequently, undergraduate Peer Mentors voted to join the RA unit. Even undergraduate students are employees entitled to union rights. (NLRB)

The rhetoric of inclusivity by the GW RA union was the ability to be the first to legally articulate themselves at the NLRB as employees. However, they were met with a lack of support from professional organizations, institutional mistrust, and a rival campaign (echoing the administration's argument). RAs sought to have clarity within their contract and receive a fair wage. The position of RA began historically with house mothers, women who ran boarding schools, and the gendered dynamics of this position are still at play. The main goal of the position is to maintain a dedicated community, resolve conflicts and enforce rules when needed. The position description through GW is as follows: seeking, “caring, relationship orientated, and dedicated student leaders to build community in our residence halls” (“Staffing Opportunities”). Caring is the first description word implying the love and labor that RAs put in for free to their residents. Dedication implies a devotion to one’s position and sacrifices that one might make to maintain their employment status. RAs often have to serve as surrogate parents to homesick students, at the very least as mentors, as they are required to be at least older in school years than their residents. GW attempted to form the first private undergraduate

labor union of RAs but was excluded from having an election by their own collective bargaining representative who failed to believe they would win. To protect the interests of the union, their name, and the number of winning campaigns, SEIU pulled the petition for election, leaving the possibility of return in six months (the legal limit) as an open door. Despite legal reinforcements from the NLRB, GW RAs failed to be adequately represented. The George Washington administration maintained their rhetoric of exclusion citing that SEIU was correct to pull the petition because RAs were not employees, they were students performing services for a short time (“University Statement Regarding NLRB Notice to Cancel RA Unionization Election”). Myers' work on failure and resilience rhetorics concluded that only through acknowledging the complicity in whiteness and in privilege do these stories continue. Moving beyond (eventual) happy ending stories of success or failure and questioning the narrative that a union can remove and withhold power from its members when they freely choose representation is the question needed to be answered. The union itself functioned as a master and employer by letting go of their employees when they were no longer expedient or necessary. They were denied the respect, value, and self-determination that Foss and Griffin layout within their proposal towards invitational rhetoric. What resulted was a precedent that is still maintained within RA organizing so when the next student employee group attempts to gain a seat at the table, they can continue to build on the work of their predecessors.

Unions are often in lower density because workers are unaware of their rights. As Kate Bronfenbrenner discussed within “The Role of Union Strategies in NLRB

Certification Elections” unions are weak now, due to institutional antagonism and laws that are often rarely enforced (5). In a brief *Reddit* post one year ago a user named TrickMichaels asked, “Are RAs at your institution unionized? What is it like?” They stated having just realized the law had changed in their favor, they wished to unionize. In their own words, TrickMichael felt disempowered and voiceless, “At my institution, RAs have very little say in changes to policy and have little to no voice to create change. Collective bargaining could ensure that our voices are heard, and our benefits match the hard work that we all do” (TrickMichaels). Unionization is often a topic that youths are unaware or confused about because institutions do not teach labor politics at school. Often, the information is deliberately withheld. Language and rhetorical choices that spawn from a few carefully chosen words can either empower or disempower employees at any moment, due to the precarious nature of US labor law. Labor law is centered in whiteness because specifically the NLRA was written during the Jim and Jane Crow segregation era. It is flawed because invisible labor such as domestic labor (which is absent from the NLRA guidelines) is a legally unprotected state of work. Black women have been trying for years to organize domestic and care workers, but it is not possible to address the problems of care labor without addressing race. It is a sign of the luxury of white privilege to discuss class rather than race or gender.

From three major case studies of private undergraduate labor organizing at Grinnell, University of Chicago, and George Washington common themes emerge from each union (independent or not) regarding their milieu and rhetorical strategies. Each case argues for their status as employees following NLRA and *Columbia* by performing

valuable labor for their employer, being subject to their management, and receiving payment. The institutions argued similar exclusionary tactics such as the difference between labor and work, the temporary nature of employment, student privacy rights, and the role of the employment position as educational. Overall, each movement sought recognition to be respected and heard and was often met with anger, confusion, and challenge from their employers when they claimed their legal rights. Grinnell UGSDW began as an independent movement seeking union certification and was denied the legal benefit, yet they are still organizing outside of the legal. UChicago SLEU undertook the legal approach, building on past activist culture and movements outside of the legal system at UChicago. GW began independently, sought the legal, and were denied participation by their own union. Reed SWC began as independent organizing all student employees and sought to condense their movement into a singular unit of HAs and without outside activist culture did not materialize. The rhetoric of employee follows the law and leaves out many to benefit the few. The use of Black feminist thought to this project requires a drawing of attention to forms of knowledge outside of the legal.

Conclusion

If social movements are spaces for the imagination to transform and generate new understandings and ways of knowing, then the opportunity to challenge perceived notions of what “work” is and can be is a radical rhetorical action. The inception of the student activist movement brought many ideas to the forefront including civil rights, women’s liberation and the changing conception of the term work. Taking inspiration from the anonymously published *Wages for Students* in 1975 and Silvia Federici’s *Wages Against*

Housework, if students and scholarships are now considered taxable income and the reasoning behind many undergraduate labor organizing movements is punishing and rising students debt and cost of attendance, if students were paid to attend university, then they would not need to negotiate between unpaid labor and low-wage labor. Taxable income can rhetorically be construed as employment. The reproductive labor of both RAs and HAs is paid for in exchange for housing and board by their supporting, building, maintaining and prioritizing the needs of their home and community. Yet it is this very care work that plays into their marginalization. Universities maintain their great wealth on the unpaid and poorly paid labor of students. Research within this neglected concept that school is work because of the requisite socio-political effects it has on the economy in building workers needs to be continued.

Wages for Students was built from grassroots housework, domestic and Black liberation organizing, groups whose laborers are similarly not considered work, reconstituting what is considered employment through re-naming schoolwork as unwaged labor. Originally ignited by British worker Selma James at the National Women's Liberation Conference in Manchester the following pamphlet, "Women, the Unions and Work, or ...What Is Not to Be Done" argued that unwaged housework, domestic, care workers and the unemployed workers have been forgotten within the embracing of trade union consciousness, leaving the invisible women who most needed organizing out of the struggle (58). James concludes that the power of organization creates unions, not the monetary power it possesses, but the power itself of solidarity across all lines for all workers (59). Despite housework being unpaid, it is still listed as an

occupation on legal documents in the United States, even as late as 1975. For example, on my great-grandmother's death certificate her occupation was listed under line 13a on her death certificate as a "Housewife" under "Occupation" and under line 13b as "Own Home" under "Industry" (Board of Health, City of Chicago). Mary Wiktor labored in both paid, unpaid, and in trade in household labor for the majority of her life, on top of having twelve children. Examining legal rhetorics within death certificates shows that there are multiple ways of qualifying what counts as labor within our society, income not technically construed as taxable in all cases, left out of union negotiations, and considered both unpaid and unskilled, but still recognized as a form of labor.

Wages Against Housework draws attention to the unpaid both physical and emotional labor of women in the workplace of the home. Federici argues that the wages can alter the lives of women who are subjugated to unpaid domestic labor. When considering something a "labor of love" such as housework or school, it is much easier to perceive these unpaid positions as weak or self-chosen, rather than the material conditions. Wages are not fair either, as Marx stated, wages are just a callous reward for labor, but the economic system is within our social contract. Pay equalizes the playing field, one doesn't work because they love it. They work because it provides them with access to capital. Yet, the work becomes fused within the person in housework and schoolwork because of the failure of any access to capital. Even the recent 2019 "A Modest Proposal for a Fair-Trade Emotional Labor Economy" by Leah Lakshmi Piepzna-Samarasinha argues that emotional labor is skilled labor and work, calling for wages, time off and consent (141, 148). The wage itself is not the objective, it is the attention to

the labor and benefitting of dignity which is the goal. All capital does is represent the energy around this employment and serve as a model for what our social system values. Hidden and shadow labor are both tools that undermine class conditions and solidarity. When RAs and HAs counsel homesick students, are on-call 24/7 in their home, assist students recovering from sexual assault or drug overdose, these are a type of emotional labor that go well beyond free room and board. This study attempts to make *all* undergraduate labor visible, accountable, fairly compensated and argue that it's worthy of rhetorical consideration. What other work will be classified as employee labor in the future?

George Caffentzis in *Zerowork* imagines freedom from all labor leading to liberation. Factory labor is the litmus test for the term employee, one who enters a building, puts in an eight-hour shift, and returns home, only needing enough knowledge for one's own part in the machine, attempting to separate the mental from the physical. While the eight-hour day's intention was to protect workers union rights, it has now become cobbled together through various positions. Our work-lives follow us everywhere, from our phones to our computers, the school is now the factory. RAs and HAs are on call until the next disaster. These conclusions and insights will have ramifications within further private undergraduate labor organizing. Often in academia discussions about universities are social justice-based in theory, moving beyond the Cartesian divide. However, this is rarely put into actual practice based on long term and inclusive community work. Refusing to work without colleague support is a personal work stoppage. A suggestion of an unhappy employee is to quit their job and find

something else. Yet, it is the very employee who stays, asserts their rights as a valuable and inclusive member of their workplace community, who uses both their body and mind to maintain their rights must be civically honored and begins this fight autonomously through freely chosen labor rhetoric who is worthy of rhetorical study.

CHAPTER V

IMPLICATIONS, RECOMMENDATIONS, AND CONCLUSIONS

Each chapter of this study began with archetypes including the gentlemen scholar, the serf, the monk, and the housemother which are definitions that are embedded within ivory tower rhetorics. These definitions and presuppositions are maintaining the systems of oppression within a classist, racist, and sexist universe which prevents student employees from also being able to engage as employees and be invited to the bargaining table on an equal footing with their employer. Labor rhetoric as a field has always functioned within the dialogue based on employment. In this case, through the examination of the NLRB documents and testimony, this study analyzes how student employees are perceived by the university. The goal is to revive a field of rhetoric that has been inactive, making the connection between the labor of the body and the labor of the mind at the university more explicit.

I've learned through my analysis, contradictory to the work seen in rhetoric and composition, that student employees are a largely invisible workforce that requires greater scholarly and rhetorical attention than has thus far been given to the subject. The disagreement on what an employee and student are remains at the forefront of the conflict. The confluence between what universities say and do is calculated to suit their needs moment to moment, leading to inherent contradictions. The universities treat the laborers as students or employees at their own discretion. When they issue W2's and paychecks the students are workers and legal employees. When they organize and file for

a legal union election, they are students. The university concept is a reductionist model of looking at a student and only seeing their studies and their minds. Scholars view rhetoric and composition analysis centered on students as writers and scholars, but this study shows that the field is not getting the full picture of student labor movements. Students produce knowledge and labor using both the mind and the body. This work sees students as producers moving scholars to a place of post-process through considering both the lived and material conditions of students' lives. The university as a place of work and a vehicle for giving people a chance to enter the middle class is a neoliberal idea based on gaining improvement through progressive capital. But as we've seen, the university is also a business that protects itself. Rhetorical scholarship can contribute to labor scholarship in this context through being foregrounded within the civic realm to improve both the conditions of the workers and our nation.

Rhetoricians such as Kenneth Burke, Wayne Booth, and newer rhetorics of Kelly Meyers, Sandra Foss and Cindy Griffin, Carmen Kynard, Jacqueline Royster, and Bernadette Marie Calafell, show that rhetoric is well defined. Discussion of labor issues at universities almost always centers around graduate employees or contingent workers. Relatively little research is focused on the laws themselves and how legislation and the said rhetorical inclusionary or exclusionary definitions and choices both empower and constrain students in labor movements. Laws can contribute positively or negatively to labor movements depending on how they are applied. What this nuanced angle on the type of undergraduate laborers who work on campus shows is that the change in definition can make or break a labor movement. Universities are not what they were two

hundred years ago. Neither are their students, nor are the economic and political systems that surround universities. The nuances of the labor movement and labor law are complicated and continually changing. Recognizing the dual positions that many hold now as both students and employees is a good place to start. In an ideal, universities would look at the students and their material conditions for living, working, and being in a holistic manner. Moreover, education on both civic literacy and responsibility would enlighten both workers and universities on their roles and responsibilities under the current laws. There is a distinct disconnect between the body of the laborer and the life of the mind and further investigation to break down these dualisms will be necessary for building a better and more democratic world. What this labor rhetoric study does is examine the laws and the documentation itself from a holistic perspective.

The rhetorical contestation of the definition of employee remains. Each undergraduate labor union attempted to create its best inclusionary definition under the constraints of organizing within the NLRB. Each chose the traditional legal route. UGSDW at Grinnell created a small unit of dining workers and received university approval, filed for a union, and won. By taking a step-by-step process of organizing, they continue to slowly build member and public support, through articulating themselves as both students and employees. Only when they attempted to expand their legal bargaining unit through the rhetoric of employee, did the university fight back with their rhetorically exclusionary argument of the rhetoric of the journeyman: their positions were educational, temporary or not employees at all. Grinnell Trustees corrected their initial presupposition that their students were serfs, but they didn't consider their workers much

more important than temporary bodies passing through their university. Being a student, on the other hand, is no longer a preparation for becoming a worker; the identities are much more fluid.

The Grinnell Trustees specifically divided positions between labor and education to prevent the entire union expansion, despite initial support. UGSDW used the university's own rhetoric of employee against them in a bid for union expansion based on an employee position by position strategy. However, due to the lack of legal enforcement on this proposal, the Trustees provided no timeline for the process. Through activist work, UGSDW members learned the language and fought the university using the tool of the courts, utilizing their own mock trial experiences and citing various cases learning the legal rhetoric and the language of the oppressors. Through picking up the language of the oppressors, the obligatory master's tools, but using protest and pressure beyond the legal frame speak to their remaining role and relation to the term employee. Only after a massive public pressure campaign from students, alumni, volunteers, negative media attention, and a sit-in action, did UGSDW the Board's bid to remove all private university laborers' chance at unionization. Despite the university stalemate, membership of UGSDW continues to grow, and organizing continues on-campus, creating a culture and network of undergraduate union efforts throughout their expansion and the eventual goal of achieving legal recognition.

Building on an existing activist culture outside of the legal, University of Chicago extended the rhetorically exclusionary arguments when SLEU filed their union including

the largest group of undergraduate libraries²⁸ laborers on campus, citing they were both educational and temporary workers using rhetcon rhetrickery to their benefit to eliminate all private university organizing and run out the clock on SLEU's effort. Prestigious universities use the rhetoric of excellence and their very selective admission guidelines framed as an opportunity to be chosen and ranked as a student at their university, low-wage, fast food, retail, and healthcare workers unions legally can organize anyone at whatever point within their field. These positions are also temporary and often seasonal, many employees would be thrilled to have a union within a position for at least four years. The benefits of looking at the rhetoric of employee more holistically across fields or sectors indicate that overall, many Americans change and alter jobs throughout their college years, however, on-campus employment at private institutions rarely changes and these employees have the most to gain for themselves long-term through advocating for their labor rights.

RAs at George Washington attempted to form a union of all the workers within their community of interest and were denied and excluded by their own union the opportunity to have an election and speak their voice. Seeking to move beyond failure resilience rhetoric and invitational rhetoric, that chapter engaged in the process of unlearning the toxic tropes of resilience rhetorics situated within white privilege that results-based labor organizing promotes. Because a movement didn't achieve its stated goal i.e., the winning of an election, it is often considered a failure. So much so from the

²⁸ Northwestern librarians have recently gone public with their library staff union October 2021, therefore, unionization of staff at private elite institutions is a burgeoning trend which requires additional research.

undergraduate laborers themselves that they removed their union web pages from the Internet entirely, erasing their name from the world wide web. GW RAs fought their university's contested definition over their community of interest and lost when their own union decided their case was not strong enough. Yet, the undergraduate laborers still believed in their voice and their vision, despite both their union and the university disapproving, the NLRB agreed and ruled the RAs were workers. They achieved their rhetoric of inclusion through expanding what counted as the definition of the rhetoric of employee, while other undergraduate student laborers tested the case at Reed College, who won but withdrew their petition at the NLRB. Overall, undergraduate labor movements often quickly build into committees, card drop, and election. Only after a loss do these laborers consider a continuation of their previous course of action, absent of the legal system.

The expectation within the investigating aspect of the study was diverse uses of language and definitions from the utilization of rhetoric as a tool to build power. However, what occurred was the same argument from different universities recycled and repackaged. Each university used similar anti-labor law firms, tools of the elite including: Proskauer Rose, Cozen O'Connor and Morgan, and Lewis & Bockius. Therefore, it does make logical sense they would all work together in alignment to quash the social movement rather than individually attack each one. Each university sought to bury the undergraduate labor groups in paperwork merely because they had the available means to exhaust their labors, yet their intentions went beyond that. The rhetorical contestation between undergraduate laborers and the university is one of power. Because it was

simpler for the universities to fight for the maintenance of the status quo than to accept their student employees' new inclusive vision and control of their own labor. Even a small challenge to the established view on the nature of student labor needed to be quashed lest it invites a reordering of higher education economics that is beyond their control.

Nationally, the largest strikes that ever occurred were more than sixty years ago in all blue-collar industries, auto workers, rail workers, steel workers, and mineworkers. The most recent national strike in the public imagination is the air traffic controllers in August of 1981 and Ronald Regan's subsequent massive firing of over 11,000 workers. Locally it is limited. UGSDW is the only undergraduate labor union that completed sit-ins as a form of activism. In the past, Grinnell College students attended civil rights actions in the south and engaged in a local anti-slavery movement through support of the underground railroad. The University of Chicago has had protests and actions since the civil rights era, and it would be impossible to name all the actions. Historically, Chicago is known as a striking town due to the famous strike of CTU teachers or the Pullman strike for rail workers. D.C. which houses the headquarters of the NLRB was shockingly not as labor active as previously expected, there were very few strikes and labor actions. Akin to their university headquarters George Washington University is not known for its labor actions. However, Solidarity Day in Washington D.C. was created to celebrate workers and their rights and held from a ten-year period on after Regan's disastrous breaking of the air traffic controller union after they struck for higher wages. Each instance was chosen because of its intrinsic ties to the social environment in which the employees lived. By

exploring the numerous vectors of identification of students who work, such as class and race, as well as the location of each movement, the link to both history and state legislation became a vital framework for each chapter study. However, a place to grow each of these movements is through connecting the alliances with the community more robustly with racial justice. The university itself is a community made up of those from disparate backgrounds, only through learning from domestic and care worker organizing, can undergraduate laborers grow and maintain their movements. They cannot grow by inscribing and using the same eurocentric master's tools of the legal system to gain legitimacy, they must organize in a different register, they must begin to see all labor as valuable through self-advocacy. They must see their labor as meritorious because it is their inclusive community, rather than seeking other outside limiting organizations such as the legal or union system to give them the power inscribed innately.

Imagine the Possibilities: New Futures of Undergraduate Labor Organizing

A carbon copy of every small private liberal arts college, Kenyon is located in an idyllic place of one thousand acres with a tree canopy and student farm in a city on a hill. Kenyon College is a long drive down the winding rural Ohio road—past cadres of cornfields and pumpkin farms where Highway 229 ends—where one can see both a horse and carriage and an Amazon Prime delivery truck. The only sign is a yellow etching of a cathedral building pointing directly east up the hill, reminiscent of John Winthrop's claim within "A Model of Christian Charity" that as easily as the Puritans could be up on a pedestal, they could fall, and everyone would see their sin. Founded by an Episcopal bishop in 1824 as the first private college with the goal of training seminary

students for preaching throughout Ohio, Kenyon embodies the old-world concept of religious education (Kenyon College). Both their graduation ceremony and degrees are in Latin. Like signing the family bible, each Kenyon student must mark their name in the matriculation book upon entering the university. The ivy has been removed from the Gothic revival tower. Quaint unique institutions such as Kenyon College are found all over the United States, but this one is vastly different for one reason: they are organizing the first private undergraduate union that is wall to wall and they will not be stopped by the NLRB or administration. Similar to Grinnell, Kenyon has approximately seventeen hundred students, slightly skewed females, and overwhelmingly those who attend are full-time students (Kenyon College). Kenyon is a model—not for Christian values—but for social justice unionization that allows for students' full experiences through both study and work, to shine.

Yet as this study has shown, private institutions often subordinate worker rights within the guise of paternalistic power. Kenyon was no different. Despite a global pandemic, their tuition cost accelerated to over seventy thousand dollars per year with a promise to provide students with scholarships, grants, or loans to make up the difference. The COVID-19 pandemic has only heightened both income and class inequalities. According to Yamashiro, by rejecting imperialism and embracing unionization for all workers on campus in whatever form, an intersectional union movement is the only future post-COVID because we are all on the earth together. For workers with the freedom of impact bargaining, moving online opens union contracts as a change in working circumstances. However, those without binding legal agreements for the benefits

of their labor which holds their place of employment accountable are unable to negotiate. The benefits and privileges of moving one's job online often did not translate over to all student-employees who were granted work-study funds from the United States government, but unable to use them that year driving the wedge between which titles were essential and which were not. The first meeting of the union was in April 2020 via Zoom. When the Summer 2020 internships and jobs were canceled incoming and first-year Kenyon students had the time, space, and ability to think about their power within their working conditions... They wanted a union and justice for all workers. Bruce Latour famously noted, as humans we seek to advance the social-nature through modernity, but instead, we create hybrids of social-natural in the modern quest to purify. Kenyon College student-employees are a hybrid community of interest through their new pathway of organizing through both legal and communal non-legal means, allowing for union membership, even without the deigned title of employee. Taking inspiration from the founder of Kenyon College, Philander Chase, Kenyon is foraging a new frontier.

Organizing began in earnest over the Stop the Cuts effort in June 2020 which began as a student-led response to Kenyon's decision to eliminate staff retirement contributions for the academic year, despite the endowment of four hundred and twenty-two million dollars, a recent donation of one hundred million dollars, thirteen million dollars in reserves and the beneficence of noted Dupont legacy alumni. While Kenyon decided to slash retirement contributions it affected all the employees on campus. Only three small unions were able to act on behalf of their employees: United Electrical, Radio and Mechanical Workers of America (UE Local 712); International Association of

Machinists (IAM Local 2794), and Security, Police and Fire Professionals of America (SPFPA). These three unions include security, janitorial and facilities workers and only the UE Local 712 had guaranteed retirement written into the contract. Therefore, by joining together as a wider community Stop the Cuts pushed back and staff will have their retirement returned over a three-year period (Stop the Cuts). The Middle Path Partnership was born between the unions, the college, and students to promote justice for all identities. By naming this agreement for the main pathway and thoroughfare of Kenyon, the purpose is clear: it links both head and heart, both body and soul of Kenyon workers together as one.

The Campaign

Kenyon College's student employees, Kenyon Student Worker Organizing Committee (K-SWOC), went public with their private undergraduate labor organization to unionize the largest group of employees including tutors, lifeguards, laboratory workers, apprentice teachers, archival assistants, writing center consultants, helpline consultants, packaging clerks and community advisors (CA's, another term for residential assistants) in the US, seeking card check, through the UE. Card check is a process where a union gains a majority of signatures and presents them to the employer in lieu of an election. It is the simplest way to count union support by progressively gathering cards rather than forcing a momentary snapshot in the form of an election. As discussed in Chapter 4, employees sign authorization cards to trigger an election in the private sector through the NLRB. Oregon is the only state that allows for card check for public employees if they gain a majority of authorization cards, they have a union without the

need for an election or approval. Kenyon is in Ohio, a state which is “at will” employment and with a modest union density of thirteen percent (United States Bureau of Labor Statistics). While the UE is a smaller and more local union that is Pittsburgh based, they now mainly work with public, service, and university employees based on the principles of member-driven democratically based locals. By choosing a small but dedicated local union, Kenyon undergraduates selected a union that chose an alternative strategy for representation rather than selecting legal means and then resorting to recognition as a second-tier choice as with the case of every other national union which sought representation between this NLRB lull of 2018-2020.

K-SWOC dropped cards in August 2020, which means they released pledges for members to sign which authorized union representation. An authorization card is a legal document where the employee signs their name agreeing to be represented by the union. Employers have no reason to recognize any union effort at this point, therefore, NLRB secret ballot elections in the private sector happen more often than not because employers fail to recognize their employees. Grinnell Trustees were the single exception. As discussed within Chapter 1, through voluntary recognition, UGSDW convinced the administration to recognize their union because they were going to win. Other private universities such as Reed College Trustees learned early on that if student employees were seeking a union for a small group of workers, eventually, they would want one for all and refused recognition. On December 11, 2020, Kenyon College President, Sean Decatur and Kenyon Trustees rejected the petition for voluntary recognition, in a rambling letter with recycled rhetoric stating that Kenyon was an educational institution,

the union was a third party, the value of openness and shared governance and the limits to a collective bargaining agreement (KSWOC). In this case, employees requested rather than demanded representation, they didn't invite themselves to the bargaining table like every single other movement chronicled here. They valued both collaboration and collective bargaining with their employer, which was rejected. In essence, undergraduate employees were impaled on their own politics of politeness. Undergraduate employees who seek to unionize can either file for an election or ask permission from their employer. Legal rhetorics are a way of ensuring that undergraduate employees' voices can be heard. It would be easier to believe the university's decision if they didn't attempt to rip away over four hundred million dollars from their employees' retirement funds that previous year. As Chapter 2 and 4 indicated both Grinnell and Reed College sought voluntary recognition and while Grinnell agreed with the dining workers, they soon regretted it when they sought to expand, while Reed denied it outright. Per Chapter 3, there was no attempt by the organizers in any field to attempt to attain recognition by UChicago, due to their conservative politics. Therefore, existing activist movements had a single option to push for the law. Where avenues are routinely fought, rejected, or intentionally delayed, alternatives through possibility and imagination must be sought. K-SWOC then sought an unconventional election process. K-SWOC altered their strategy to a community election, similar to NYU when *Brown* was in effect, an election would be

held through a non-NLRB sanctioned third party,²⁹ which must be agreed, by both the union and the college.

Andrew Carnegie, who gained his fortune through a mix of hard work and corruption, gave a famed talk on Kenyon campus in 1906. The topic was on alumni Edwin M. Stanton, Secretary of War under Abraham Lincoln who assisted in the Union victory. In this talk, Carnegie promoted the same Protestant bootstraps worldview to Kenyon students, “poverty has its advantages for training men ” (4). He advocated for sturdy self-denial and destitution as a way to grow moral fiber. While race sciences at universities studied those who were poor to find aberrations, Carnegie promoted penury as a way to strengthen one's values during higher education. He concluded his talk by reaffirming that personal sacrifice for one’s values was the only way to live a good life. Stanton dropped out during the 1830s debit economy and remained a clerk until he could qualify as a lawyer forgoing his own higher education due to economic hardship (4, 5). Stanton had to leave Kenyon because of his inability to pay tuition, “It is for the students of Kenyon; and for all men, year after year, generation after generation, century after century, to emulate his virtues, follow his example, and revere his memory” (Carnegie 35). Carnegie only promoted this singular narrative steeped in whiteness that emphasized Stanton's crusade for justice for all through supporting the Union army but neglected to mention anything about Black people. Despite being a free state, Ohio enacted severe Black codes in 1809 that permitted African Americans to reside in Ohio but must register

²⁹ Georgetown University similarly entered into a neutrality agreement with the university and held an election through a third party when their graduate employees organized through AFT.

and pay a tax every two years (Ohio Black Codes). Carnegie's story of Stanton's success is one based within the Protestant bootstraps context: work hard and succeed. The value of success comes from its difficulty. Carnegie recycled this story to the white men who attended Kenyon effectively repackaging all the old-world concepts about success into a neat speech. Just like Stanton, economic concerns plague Kenyon students even today.

In a global pandemic, Kenyon is raising tuition and denying students the opportunity to engage in collective bargaining over their working conditions. As we've seen in Chapter 1, the rhetoric of employee despite its attempts at inclusivity has limited prospects for establishing coalitions and alliances with students of color and the community at large, including those who do not qualify as students in the first place. The Cartesian distinction is both gendered and racialized as people of color have long been stereotyped as unable to think and women who studied were considered to be damaging their reproduction. Each of these narratives again, offers a single story of the whiteness within the university systems situated within these recycled rhetorics. The greatest threat to the college seems to be employees who, yet again, refuse to take part in debt for a degree, despite the college's excellence. The pendulum has now swung in the opposite direction; because unionization is no longer contested, and the 2021 NLRB is now labor supportive. Kenyon is seeking to file a legally representative union drive effort with the help of other joint community labor organizations. Kenyon's establishment of the Middle Path Partnership joined students, employees, supervisors, and the broader community together to discuss labor issues and now holds a guaranteed seat for a Kenyon student. Not all college employees (student or not) are white men, and this partnership draws both

college employees, student employees, and the wider Kenyon community together with a guaranteed seat for student representatives to maintain labor justice.

K-SWOC comes from an extensive line of organizing undergraduate laborers and once again put to the test the theory that all undergraduate work, both mental and physical, should be treated fairly. As an evolving labor ecosystem where the status of work of students has been a battle ground, it remains to be seen whether K-SWOC's efforts will win a collective bargaining agreement or result in another stalemate. Yet, the emerging facts are present: they seek to be the largest on campus undergraduate union and include all workers on campus. However, they specifically seek membership from some of the largest employee pools on campus, even the most marginalized including resident assistants. RAs only recently gained the legal right to collective bargaining due to their middle ground status as both employees and friends to their residents in the George Washington case per Chapter 4. As we've seen, RAs are often gendered and racialized due to the precedent that is still used today to equate their unseen physical and emotional labor to domestic and cleaning staff. K-SWOC's specific demands are greater control in the workplace, sick leave, mental healthcare, fair treatment, guaranteed work hours for work study, guaranteed positions for international workers, and a commitment to anti-harassment (K-SWOC). Specifically, CAs have filed wage theft charges in Ohio due to the failure to compensate CAs for more than eighteen hours a week, despite having to be on call for ten hour shifts alongside rounds. However, more pervasive within Kenyon's environment is the focus on these positions of employment as training for their future careers. Similar to GW and Reed student employees, CAs at Kenyon College

never had off time. According to Ilan Magani (they/them), CA's work approximately thirty hours per week. Their rate of pay has been capped at eighteen hours per week, despite being required to do rounds, which accounts for ten added unpaid hours weekly. Charges have been filed at the Ohio Department of Commerce after the decrease in pay and uptick of costs (K-SWOC). Magani manages fifty-three residents including navigating domestic disputes between couples and the emotional labor that accounts for their near constant availability, "Honestly, the job of remembering everybody's names and always being expected to deal with any incidents that come up and write a report about it!" There is no surprise that CA's have an extremely high rate of turnover on campus.

The *recycled rhetoric* that Kenyon College President and Trustees offer to this study is the *rhetoric of the trainee*. This story is presented to student-employees who work on campus due to need, which trains them for jobs they do not know they want or no longer exist in the neoliberal economy. Because the city's revenue is dependent on the college, students (especially those on financial aid) have to engage in the highly competitive process to obtain jobs within their campus community but have limited luck. At Kenyon, the best form of transportation is walking down the hill from the space of contemplation into the wider community, yet even a cursory search of positions in Gambier, Ohio, notes that the college is the major source of employment. Therefore, the inability to gain employment outside of the campus alongside the low-wages, high tuition, and seclusion from the wider community, allows for Kenyon to offer perilously low-wages compared to the national average because there is nothing else. As King made

clear within his last and most radical work *Where Do We Go from Here?* the insistence of training workers for employment rather than learning on the job paralyzed the African American community.

Kenyon's focus on the *rhetoric of the trainee* is the inheritor of that legacy. King noted that the focus on certifications and diplomas negatively affected both the poor and Black communities, "'Training' becomes a way of avoiding the issue of employment, for it does not ask the employer to change his policies and job structures" (King 2007). Today the crimes are much more insidious and ongoing because there is the expectation that since education is more accessible equivalently the playing field has been leveled for all races, classes, and genders. In today's economy student employment is nearly required to pay to attend college, however, student employment does not count on the ubiquitous three to five years of experience that is often now required for entry level positions. King recommended providing jobs first and offering paid training to close this gap between rich and poor. What Kenyon's policies do is both racialize and marginalize the student employees who seek to attend college to have a better life but graduate with thirty thousand dollars of debt for each year attended. While the two founders of K-SWOC were initially white males, the future of K-SWOC is both female and non-binary leadership.

Enhancements to the rhetorical moves by undergraduate students are their evolution into organizing in multiple spheres, specifically celebrating inclusivity within their communities of interest, subverting the institutional powers of rhetcon rhetrickery, and rejecting resilience rhetorics based on whiteness, rather than the life of mind versus

the life of the body. Most importantly, they must accept both the achievements and failings of labor movements as cycles rather than end points and to boldly invite themselves to the bargaining table as unified workers and legal equals to their bosses. Returning to the original *New York* precedent is the claim that master and servant are the single and defined roles between employee and employer. These definitions were created in opposition to the master and slave dichotomy, which is racialized, yet, by student employees joining within unionization effort, they are striking against these dichotomies emphasizing they are not just employees, they are student-employees.

Voices of Kenyon: “I’m underpaid” (Smith)

Sally Smith is a force. She is a junior at Kenyon College and was not a student employee until this year, she became involved because of ongoing political organizing on campus ignited by the COVID-19 pandemic. She was connected to the UE through the Middle Path Partnership political organizing coalition organizing campaign of the skilled maintenance worker from Local 712. The practice of acquiring a job at a particular workplace to establish a union is described as salting. When Romans salted the land of conquered communities to keep crops from growing, they made it more difficult for nations to recover. What a salt does is inverse, salts intentionally work to fight back against inhospitable and poor labor laws. Salts work when the person is already tangentially related to the community and has similar issues and earlier successes. Salts do not work when an outsider forces themselves into a community to whip up union votes. Organizing takes time and effort and unlike The Bread and Roses Strike in 1912 of Lawrence textile, they usually take months if not years to plan. As Chapter 4 indicated —

when there is one significant figurehead in a movement who joins from outside, the organizers may default to them as a figurehead instead of continuing to foster and grow other leaders. But Smith is already part of the community and makes a clear delineation of who owns the union, “It’s not my union. It’s the union of every student worker. You can be as involved in it as you want to. This is yours, for you and by you. This is your union, and you want to have a say in your workplace.” Smith works in Special Collections and Archives with the Kenyon Library and is paid eight dollars and eighty cents per hour, which is lower than the federal minimum wage in her home state of Tennessee where she earns eleven dollars per hour. She began organizing in earnest in Spring 2020 to petition for lost work hours for employees due to the COVID-19 pandemic. Smith organized for workers such as Carissa Kieger who works in the library as a helpline consultant. During the COVID-19 pandemic she worked up to forty hours a week on top of her schoolwork. Like the library workers at UChicago, Kieger noted that student employee positions have a high rate of growth, while staff positions have shrunk at Kenyon College in her department. To be clear, student employee positions are cheaper than paying staff higher wages and benefits, therefore, it is easier to hire and fire employees who are students.

With the election of Biden and the appointment of Ferran to the NLRB, the strategy of K-SWOC ebbed and flowed through the evolving legal decisions. Union authorization cards are only good for one year, therefore, K-SWOC had to start from the beginning to collect cards for a different signatory process, an NLRB sanctioned election this past July for a wall to wall, every student employee that fits the NLRA description of

employee. While data does not make a campaign, it is a crucial metric to take the temperature of the organizing. Kenyon College has two thousand students in attendance and nearly half of them work on campus within multiple jobs. The admissions department alone employs over one hundred and fifteen students with many of them working only two hours weekly. K-SWOC probed and assessed the turf and accounted for over five hundred workers to gain seven hundred authorization cards. In total, this is the standard metric of the national unionization model and principles of democratic organizing. A union election at the NLRB only requires thirty percent of cards to file to trigger an election; they need fifty percent plus one to win an election. By keeping seventy percent, they anticipate a lack of turnout, intimidation, or ballots being thrown out during the final count. Overall, this is a strategy that takes no prisoners and is determined to win by building not a union, but an advocacy and representational body of those who labor at Kenyon College. As Smith claims, negotiation of the size of the bargaining unit may occur at the NLRB with a case agent, but the assumption is that Kenyon will try to exclude academic employees, one of K-SWOC's union strongholds. This is where the *recycled rhetorics* comes into play that Grinnell, UChicago, George Washington, and Reed all promoted in NLRB case files. The same tired set of argumentations based on the educational goal of a university does not account that the university is providing a service in the guise of education and employing students (K-SWOC). According to Smith, the arguments Kenyon uses to argue their points are boilerplate, "The main goal is educational. They have the talking point of giving these jobs as part of our education and not primarily work. It lacks a little bit of creativity."

As earlier chapters indicated both the university system and labor organizing default to whiteness situated within masculinity. With female leadership, it can be more difficult to enact wider change when the patriarchal systems are still at play. Smith counters this by her refusal to take notes and her acknowledgment that if a man is asked by another man, they'll probably do it. Smith fights this internal war on a day-to-day basis similarly, while advocating for gender equity in unionization, "I got pulled in from the get go... Anyone can do that." Simultaneously, Smith tables and has union conversations and gains fifteen authorization cards and student support in one hour, yet claims she is awful. She runs the media strategy and answers email inquiries as a liaison to the community, serves as a mentor, and is always the first one to sign on for a strike vote. Internalized misogyny even within female led movements can be difficult to overcome — as Chapter 2 indicated — white women within labor movements often deferred to male leadership over fellow Black women organizers, it is important to draw attention to these inherent disconnections even within union movements today.

Voices of Kenyon: "The department was willing to fight for us... not that it would cost them money" (Kamens and Eichenauer)

Bayla Kamens and Lucy Eichenauer both serve as apprentice teachers at Kenyon College, however, their rate of pay is significantly different. Kamens works in the field of Latin and previously worked in alumni and parent engagement and as a student records assistant. Kames is a senior and makes approximately eleven dollars and thirty cents per hour for teaching. Outside of Kenyon College, Kamens makes forty dollars per hour for her tutoring back home at Congregation Dorshei Tzedek back in Watertown,

Massachusetts. Workers recently received a raise to tier three of pay, due to their organizing. They were brought to the attention of their department after reviewing the job description and asked the advisor why the pay did not equalize the status of apprentice teacher, even though the job description stated they received tier-three payment level. The *rhetoric of the trainee* is stealthy because it is hidden behind high diction about the level of study the student has already undertaken. After four months, the pay was altered. The total cost to Kenyon College for this raise was six thousand dollars. While comparatively tuition for the following year at Kenyon is set to rise an extra three thousand dollars per student. Despite only working two hours per week, Kamens must write her own lesson plans for a position that pays a fraction of what she can receive for doing a similar job at any other location than a university. Kenyon's bucolic setting evokes the romanticist life of the mind ideal. Since they are the major employer, they set the terms.

Lucy Eichenauer did not receive a raise, she received tier two level pay because she teaches Spanish instead of Latin and does not write her own lesson plans. While it is not a work-study position, apprentice teacher is a course-based position, yet a pedagogy course is not required, "I was grandfathered in from the 2.5 credit class. Now not anyone applying can take the job unless they've applied for the class about language pedagogy. I shouldn't speak ill of the class. I'm not sure if teaching is even practiced during it." Eichenauer spends two to eight hours per week on her position with four hours of preparation and practice work. On top of this position, Eichenauer also labors as a mail clerk on campus at Kenyon, occupying dual employment.

The role of apprentice teacher has now changed, students must attend a course, pay money for said course, and then that would translate to potentially gaining an on-campus position with no guarantee. The term grandfathered usually means that a previous practice is allowed to continue functioning under the previous same set of expectations. The context is usually a legal one. The grandfather clause has racist and sexist connotations because its purpose is to enfranchise white men but disenfranchise Black men through enforcing literacy tests or residency requirements to prevent them from voting. The treatment of the apprentice teachers functions in an analogous way at the university defaulting to the assumed white male attendee of the university.

Like Black workers in King's era, the *rhetoric of the trainee* is ongoing and maintains the class status of those who are privileged and can afford the time, money, and effort that training allows. There is zero intention of raising the rate of pay despite the investment of over four-thousand dollars into being considered for the employment opportunity. The strike at Kenyon began in April 2020 began because apprentice teachers are not guaranteed their position or a dignified workplace. The competition for on-campus positions is ubiquitous. Often one must know the right people or subscribe to the right email forum to receive job applications. The apprentice teacher position goes even further, as it is by professor recommendation. The lack of knowledge, transparency, and open communication between Kenyon College and their student employees culminates with their decision to hire and fire apprentice teachers at will mid-semester under the guise of opportunity for others. The job title of an apprentice is even more fallacious as Eichenauer doesn't plan to be a teacher upon graduation.

A common theme noted and unexpected (partially due to COVID-19 pandemic) were ways of organizing outside of the box of messages, phone calls, and door knocks. Online labor organizing and activism grew. For example, KSWOC, has mainly conducted its work via Zoom. UGSDW has an active social media presence and pages on Facebook, Twitter, and Instagram. The contract information, membership and grievance reporting are all readily available on their website for easy access. SLEU is not active on other social media platforms but posts collective bargaining updates and actions on Facebook. The George Washington RAs entirely scrubbed their presence from social media after their loss, indicating in its own way the increasingly important role such spaces serve in the effort for student laborers to define and redefine themselves and their movements. They initially had an active Facebook page, but due to election cancellation, fears of retaliation, and doxing³⁰, it was removed. SWC of Reed College and Reedies Against Racism still maintains an active web and contact page, even though the campaigns ended. The continued maintenance of SWC is a testament to the dedication, devotion, and rage of one man against Reed College rather than his dedication to the undergraduate labor movement itself.

Overwhelmingly those who join K-SWOC fit with a similar scope as Grinnell: low-income students and international students because their positions are the most at risk. Students who have jobs organize and are compelled to do so because they want to maintain what they have and make it better for the next generation, but they have to do

³⁰ Doxing is a process of unveiling anonymous activists, writers and workers to their employers and the public. The purpose is to shame, humiliate and ideally have them lose their way of living.

extra work on top of their employment and studies. Organizing becomes a third job in an already packed schedule. Because of their similar organizing plans, K-SWOC has aligned with USGDW building a solidarity support network through their struggles to be heard by providing them with a letter of endorsement, “USGDW knows the power of solidarity on campus as well as the strength that comes from a wide network of labor organizations. We are proud to have Kenyon workers by our side in the growing student labor movement” (K-SWOC). While K-SWOC has now chosen the legal method of election, after the request for voluntary recognition and the push for a community election, they have been taking the Middle Path by utilizing their connections and networks of care on top of the NLRB. For example, when student employees are surveilled and threatened after participating in a work action, they file charges with the NLRB and hold community meetings.

Campaign Timeline (Smith)

August 31, 2020-- request for voluntary recognition

December 11, 2020-- voluntary recognition rejection

March 16, 2021-- 24-hour strike over Unfair Labor Practices (majorities struck in five shops, total of 130 strikers, first undergraduate student labor strike over Unfair Labor Practices)

April 19, 2021-- request for voluntary recognition through a community election

April 26-- about two dozen apprentice teachers go on strike for union recognition (first undergraduate student labor strike for union recognition)

April 27-- workers across all shops go on strike for union recognition, joining the AT's (first undergraduate student labor strike, strike numbers got up to 175 by the end of strike)

April 28-- 14 student workers participate in a sit-in in Ransom and meet with Decatur.

April 29-- Campus safety threatens to call local law enforcement, News Bulletin is sent out, Decatur cancels meeting

April 30-- ULP charges are filed against Kenyon College based on the illegal surveillance of employees engaging in union activities, threats of legal retaliation against employees involved in union activities and questioning employees about their union activities.

May 2-- Student workers vote to extend strike another week with 97% voting yes

May 10-- Student workers return to work to allow for normalcy during finals week

October 17-- K-SWOC files for an NLRB sanctioned election

Summer@Brown

As a researcher I pre-supposed I would see more intersectional organizing and work at private colleges with undergraduate labor organizing drives. Black feminist thought and organizing are often underutilized as community work is Black centered, often within the church, and labor work is white centered. Each organization when they formed immediately strove to quickly organize a community and move forward into legal recognition. Yet, when Black domestic women workers organize, they are often not considered employees, legally or structurally, in the first place. Labor organizing is not centered within racial justice because talking about class is a luxury for white laborers and not for laborers of color. Hence the reason this work will end with a narrative of Summer@Brown's brief activism. Workers chose to come together briefly to address the community needs and not seek legal recognition at that time.

There needs to be more research on organizing for intersectional justice without a grievance procedure or the NLRB for temporary movements. When workers fight and win an issue internally it builds the solidarity between members and tells a story about what they want their union to be, therefore these undergraduate laborers created a short-term organization to rally around issues that were of particular significance to them. While they never won a union contract, RAs at Brown University organized a union and eventually went on strike in the Summer of 2017 during a pre-college program session. These actions received media coverage locally, but not nationally. Stark Black and white flyers said, "Hello my name is Overworked and Underpaid" emphasizing Brown's failure to adhere to a minimum wage. Known for their rigorous and open Ivy League curriculum,

Brown University sets the standard for universities by its increased enrollment of students of color, and with that comes increasing racial tensions between a majority white university when a student of color was fired. Not only was the student the single outlier to have their room searched by police, but they were also the single RA searched despite two other white RAs living on the same floor. According to Borowski's article, ("University offers pay raise for Summer@Brown staff, addresses allegations of racism" the RAs won a raise to \$3,500 for the summer, a \$1,500-dollar increase, and reinstatement of their terminated colleague.

Elite campus organizing often emphasizes racial justice for the community such as UChicago or the staff such as Yale. Summer@Brown's solidarity actions for their colleagues of color put intersectional organizing and principles into practice. Students of color often rely on the free housing provided by elite university summer programs during the in-between time of senior high school graduation and freshman year of college. The actions of Brown University tokenized and singled out an RA of color for merely owning a pipe with no marijuana within it (Borowski). Eliteness comes at a price when those in places of power are unwilling to welcome newcomers. As a member of Summer@Brown staff and the UAW UMass Amherst RA union, Mitchell Manning collaborated with the organizing effort by sharing the experience of his public undergraduate labor organizing background with his private elite undergraduate colleagues, building class solidarity that blurred the boundaries between public and private employment. The rhetoric of excellence tacitly privileges students who do not

have to support themselves while in school. It also harkens back to the gentleman scholar example presupposing that those excellent students are usually white males.

Like the gentleman scholar, a union member is often considered to be a straight, cis, heterosexual, Democratic, and Protestant white men. Both archetypes fail to reflect the actual demographics of students and union members. Unions cannot be absolved of racism of individuals, nor can they ever be excused. Both gender and race discrimination were present within at least some union hiring halls, leading to the false conclusion that all unions are racist (McAlevey 94). People are fallible and can inadvertently build endemic racism into organizations, such as male workers who attempt to keep workers of color or women out of union positions entirely, due to their higher rates of pay. As the work of Lise Vogel tells us, unionization efforts and early labor movements occurred from the margins with women workers who were some of the first to publish their grievances (793). Individuality has limited power; only when workers engage together in solidarity and inclusivity, can they challenge the existing power systems.³¹ Statistically in 2020, Black workers are more likely than white workers to join a union, therefore, union membership is slowly growing increasingly more diverse (United States Department of Labor). While workers like Manning used his privilege to advocate for workers of color, it does seem that the university only accepted the workers' words when other white people with labor studies education supported them.

³¹ Philip Forner rewrote union history when he examined experiences of solidarity between black and white workers in *Organized Labor and the Black Worker, 1619–1973*.

Few universities teach labor studies and this bleeds into a critical lack of rhetorical awareness of one's own civic literacy around one's employment status. For example, due to a messaging strategy focusing on graduate employees, undergraduate employees at Harvard were unaware they were even members of a union. Manning argued in his thesis on undergraduate labor that to reinvigorate unions, undergraduates require solidarity actions across the lines of their communities of interest, emphasizing the importance of graduate student participation in educating undergraduates. Only through engaging on all levels, great and small, can one continue to build a "deep" organizing model that McAlevy discussed within *No Shortcuts*. McAlevy's "deep" organizing is not a new concept, Black domestic workers have been using their communal ties for years to build power. It is only more recently white scholarship has paid attention to it.

Ideally education about labor and economic justice at the undergraduate level would be a consumer education course. It would teach fundamental United States labor law and delve into the specific state laws that govern both public and private employment sectors. Moreover, the education would cover how workers can use their public voice for the good of their community and civic responsibility. One gains a union by acting like a union and working, voting, and singing in solidarity. Future research must be done on the undergraduate labor movement and its contributions to building a more equitable society socially, politically and economically through engaging in intersectional organizing. Down the road this is a contribution that deserves to be included as a necessary component to the conversation on undergraduate labor organizing.

Akin to Federic's *Wages for Housework*, the mere creation of a rhetorical discourse around payment for labor performed in the home drew attention to the need for a re-articulation of what it means to be an employee. Labor centered within Black feminist thought is about making the unseen labor visible. In much the same way, the discussion of undergraduate laborers ignited a re-articulation of the terminology of student and employee. Even if campaigns never unionize such as the RAs GW, the campaign created a chain in the historical process of undergraduate organizing, without the ruling both SWC at Reed College and K-SWOC at Kenyon College would not have had the opportunity to continue building on the legacy of the NLRB precedent. While creating rhetorical meaning within the present buoyancy about the future is faulty logic, the challenge of power and growing solidarity still creates meaning. From Yale to Kenyon, workers are putting their employment on the line in the hope of creating better working conditions for themselves and others. Through reproductive labor, these movements can and will build from each other through their shared rhetorically inclusionary definitions of employee. The thesis of Borzekowski on undergraduate labor concludes that new research considering how white-collar workers versus children of blue-collar workers come to a labor consciousness only articulates a singular future for social justice versus traditional labor movements, one of moving side by side rather than in tandem. Only when all precarious laborers join across the ranks can they truly be free. Student employees should not emphasize the life of mind versus the life of the body, but instead emphasize the rhetoric of employee, by celebrating inclusivity within their communities of interest, by subverting the institutional powers of rhetcon rhetrickery, by

rejecting resilience rhetorics based on whiteness. Most of all, they must embrace both the failures and successes of labor movements and fearlessly invite themselves to the bargaining table as united workers and as their employers' legal equals.

Recommendations

Further action must be taken to guarantee the legal rights of undergraduate student employees in a consistent manner. The NLRB has swung back and forth regarding how to classify these workers, between recognizing them as employees worthy of workplace protections, or defining them as students, who do not enjoy the same rights under the law. To remain unbiased in lieu of a memo or a case ruling, the workers and the unions must appeal to Congressional and Presidential authority to create an original policy after examining and viewing all contracts which are applied to undergraduate employees. By advocating federal bodies to examine their cases, and broadening the reach of solidarity strikes, these student employees can address some of the inequities at the very heart of the corporate university. Attempting to win through legal rhetoric under the NLRB is no longer a consistent platform because it is by design a mechanism for maintaining the status quo. By willingly channeling their efforts through this tool of their oppressors, the student employees are inevitably dragged through the courts and the public by their powerful employers, who can use their insurmountable advantages in terms of capital and time to overrule solidarity and organizing. Student undergraduate employees have been continually silenced or forgotten by this system and would do well to strategically seek a change in the venue under which their cases must be considered.

Through the creation of a separate and neutral government board like The Railway Labor Act (United States, Congress) which extended further rights to these employees to both bargain and strike, rail workers and employers came together to create justice for all and prevent further misunderstandings to continue business as usual. Specifically, the RLA provides employees protections to sue their employer in federal court when they violate the act. By flipping the script, the university is subject to damages based on its own fallacious arguments and behaviors. Not only is reinstatement and backpay an option for workers, but the universities would also be subject to danger to their capital, which provides them an incentive to behave and follow the letter of the law. Student employees can achieve their labor power by rejecting the rhetorics that separate them and embracing the rhetorics that bind them together. While the RLA has its weaknesses — there is no timeline to negotiate — it allows for the process to be free from coercion and smooth grievance resolution.

The RLA was established in 1926 due to the massive, frequent, damaging, and deadly rail strikes springing up throughout the United States, for example, The Great Southwest Railroad Strike of 1886 and The Pullman Strike of 1894 (Brecher 47- 54, 94-100). RLA was created after President Calvin Coolidge sought cooperation between the railroads and the unions to maintain commerce and due the interstate nature of these legislations it had to be federal. Coolidge was known for his anti-labor conservatism when as governor he broke the Boston police strike in 1919 by calling in the national guard. Even Harvard sought to break the strike by volunteering their own students as scabs for the Boston police department without their consent as discussed in Chapter 2

(Brecher 122). By 1926 Coolidge had learned of the power of workers, the expense of strikes, and damage to the country, therefore, the RLA was born. The creation of this board only began when rail employees consistently withheld their labor.

Therefore, student employees must plan a network of operational strikes for as many locals as possible. A strike takes at least one year to plan and as Biden is in office until 2024, the time is now. Through creating networks of collaboration and care, undergraduate employees are beginning to see the growing value of their campus labor. This recommendation helps labor organizing more generally because while neutrality agreements are a useful tool in efforts to get recognition for labor they only run on a university-to-university level. Through a Congressional act, these workers can start organizing around a call for economic justice for all undergraduate student employees, decrying the current paradigm that forces individuals and entire families to go into debt for a degree.

The purpose of these recommendations is to aid the movement by creating and defining tools that allow for continued rhetorical viability. As the RLA deals directly with interstate commerce, a similar Congressional act for undergraduate student employees is a useful recommendation. Universities deal with interstate commerce, specifically, research and educational grants, and funding for work study even come from the federal government. It is crucial to organize not employer by employer or state by state, but to work in a network that has applications for the nation on a federal level that can't reasonably be managed by a patchwork of decisions and laws one by one. A starting

point for these coalitions building is the connections between the UE and undergraduate student employees.

Beginning with the COVID-19 pandemic, the tools to organize online have become more available. The promise of the Internet all along was to connect and draw us closer together and enable us to see communities of interest. It still holds that promise if we can overcome the tendency to do the opposite. Cross-generational coalitions are needed, young people in the United States have low voter turnout and the engagement seen in the undergraduate employee unionization effort doesn't materialize in the ballot box. However, students of yesterday are suffering from debt and loan repayments. It is up to us now to change that. When Sanders introduced the Respect Graduate Workers Act in 2020 it dealt directly with the employee rights of graduate laborers, yet he forgot one provision: the undergraduates. Since undergraduate students are laboring at elevated levels, for example, at Grinnell more than ninety percent of their undergraduates work at some point on campus, it is imperative that these connections begin to be seen. Hopefully, this organizing and eventual bargaining will inspire and influence domestic workers to destroy these provisions in the NLRA against them finally to collectively bargain. While rights have been extended in New York, Illinois, Oregon, California, Nevada, Connecticut, Massachusetts, Hawaii, New Mexico, and Virginia alongside Philadelphia and Seattle, the establishment of the Domestic Workers Bill of Rights granting further extensions to workers is a notable example of how politics can grow and change when based on liberation and freedom.

In 2021, the NLRB switched course again with pro-labor policies which altered the union strategies with new lessons. Undergraduate student employees are still invested in going about the legal route, despite its instability, yet they are building networks too. The goal has been to move towards a metro strategy linking already existing community organizations to a national strategy. This action is what contingent laborers are doing as well, marrying different cities to one another, and creating elaborate networks of care and connection, which is shockingly like what Black club women and organizers like Burroughs did as early as 1921. Completing a rhetorical analysis of these complex movements through legal rhetorics shows both activists and researchers that change is required.

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APPENDIX: NARRATIVE

Centering my research as a ceremony means to remember those we have come previously before me and give credit to those responsible for providing that emotional care and labor that I needed to fully grow into myself as a scholar, even with their complications.

In 2015, I composed a piece for *Bitch Media* titled, “For an adjunct professor, academic power dynamics feed into rape culture.” Instead of an academic essay about adjunctification and recommendations to move forward, I composed an essay about the instance when I was sexually harassed by a drunk student the night of the final exam. I kept my feelings inside for more than a year because I thought it was my fault. I was an adjunct professor who didn’t own a car and taught a night class. All my discussions of feminism were eroded within an individualized victim blaming mentality. I could not pull myself up by my bootstraps and recover.

The trauma affected my body for so long, it was starting to affect my teaching and health. As a result of the publication, I began to own my title as adjunct professor, community member and grow into my identity as a worker. I strategically made myself a vulnerable public figure to advocate for the rights of adjunct professors. Soon after, I was hired as an Organizer for the United Academics of Chicago campaign and made chair of the Contingent Labor in the Profession Committee through the Modern Language Association. In my time as an adjunct professor and labor organizer, I learned to organize not for myself, but for the liberation of other laborers. These lessons were hard won.

On February 6, 2004, my father's body died in an on-the-job accident. His mind languished in a coma, fevered, blind, and quadriplegic for seven years before his kidneys failed him on June 28, 2011. He fell from a ladder at a warehouse on the fifth floor and managed to crawl through pools of his own blood and a head injury to the first floor for help where he was airlifted to Rush University Medical Center with massive trauma to his brain. A craniectomy was performed in hopes that the swelling would eventually diminish, and a piece of his skull was stored in his sacrum temporarily.

My father was part of Mayor Richard M. Daley's Chicago machine, responsible for door knocking and greasing the wheel. In 1989, he was part of Daley's election campaign and assisted with him in narrowly winning the election. My father, who began his career at the age of eight as a paperboy, always worked to support his family. Supplying capital for the care of his disabled brother, Timmy, was constantly at the forefront of his mind. While my Uncle Joey and Tommy both sold marijuana and cocaine, my father took the straight route through hard working, hard talking, and hard drinking. He was thrown out of at least three high schools both public and private for fighting and failing, eventually dropping out and earning his GED. He was a Pipefitter for Local 597 employed at Cook County Jail where most prisoners died from drug withdrawal. He spoke derisively about Black workers who were paid higher than him and had greater responsibilities, going as far as to hurl racial slurs toward his boss on a nearly daily basis. Every Friday night, pay day, he was drunk, violent, and often incoherent.

I hate, have hated, and will hate my father for every single day of my life. The image of my racist, incapacitated angered immobile father being bathed by a Black

woman who was paid minimum wage in a long-term care facility was one I could not erase. I spent years researching his condition, comas, and brain trauma to prove to myself that it was not reversible. To me, no one deserved it more. It is only as an adult that I came to realize that all workers deserve protection and safe working conditions. Both the care worker and my father deserved better from their jobs.

My Nana was a crossing guard for seventeen years. One of her regulars showed her his father's gun that he was about to bring to school and show to his friends. She shook like a leaf when she told me she persuaded him to give her the gun, thereby, preventing an early school shooting. Despite her aversion to guns, force, and violence, my Nana was a member of one of the most militant, racist, and oppressive unions in the city of Chicago, the Fraternal Order of Police Lodge 7. Ironically, my father had his leg broken by those same police in an unrelated matter. Yet, I still believe that all workers deserve unions, much of my teenage years, we lived off my Nana's union pension.

My undergraduate mentor, Dr. Lively, from the West side like my father, inspired me and gave me a voice when no other professors understood my background. She was the first to take notice of me as a working college student and understood my writing. She was from the West side just like my father and helped me infuse labor studies into all my writing projects. I came from "the bad part of town," Kmart paychecks, banquet hall waitressing tips, free lunch program, and child support payments every two weeks. Dr. Lively always urged me to get my Ph.D., no matter what.

One of my greatest joys was as a performer. At Elmhurst, I was a classically trained vocalist and actor. The same semester I was set to graduate my acting professor

who was part time was hospitalized for pneumonia for two weeks. She died at thirty-nine years old because her breast cancer had returned, and her shitty contingent faculty medical insurance only paid for a lumpectomy rather than a full mastectomy. I never performed again and could not imagine a world without KSpang asking me, “What’s your subtext?” As a perfectionist, the lowest compliment from her was the highest praise. “You do good work... *when you're focused.*”

As a labor organizer, I worked for a woman-led organization and national representative, who was previously a public employee of Wisconsin and a Black woman socialist activist. Her mother led the charge for public employees to win collective bargaining in the 1970s. She lost it in 2011, when Scott Walker stripped the dignity from all workers to negotiate over their labor conditions (save police and firefighters). She left the movement, tired, embittered, and ready to retire and with no sense of direction for the future of the labor world. She was emotionally exhausted after the union at UChicago betrayed her vision by going on a small local-led strike with little support and muddled results. I, too, betrayed her, when I called out my supervisor and her close friend, and firebombed my career. I explicitly named the person and their racist microaggressions which led to the firing of my fellow colleague and a Black male worker who brought me into the labor movement.

Despite being in a union, I was not protected. They assigned me to a different campaign with little notice. For myself, it was billed as professional development and promotion, for him it was a demotion. He was accused by another worker in the STEM field at University of Chicago for stealing a computer when he was walking around

campus knocking on doors for the union to assess support. I was a white woman and could blend in more easily into the campus of University of Chicago. I spent weeks in misery being denigrated for my lack of understanding of the University of Chicago political landscape. I could not understand why white and Black workers were treated so differently. This study is my effort now to begin to understand and recognize the complicated socio-political milieu of labor organizing campaigns.

I still believe unions are the best legal way to promote justice for all workers. I came here to try to understand how to make unions better. People are weak and while institutions and systems of oppression are often racist, sexist, classist, ableist (and more) it doesn't mean we should ever give up on trying to make the world better for all workers in whatever way that is possible.