



The Organizing Drive of Student Employee Library Workers at UChicago: “The Corporate Bosses Aren’t Your Friends”

Veronica Popp
University of St. Francis

Abstract

Under our existing legislative framework, the University of Chicago was the first group of undergraduates to seek collective bargaining rights, but they will not be the last. Examining and demonstrating how their actions connect to the movement thus far is crucial. Undergraduate labor activism, however, is a form of labor activism within the academy that has received relatively little attention. It is critical to comprehend how and why this attempt to organize by some of the academy's least visible employees occurs, how it succeeds or fails, and what it means for comprehending the contemporary US private institution. This article closely reads the National Labor Relations Board case documents, collective bargaining agreement, and messaging strategies that the union and the university utilized in their case. It also comments on the national effort of undergraduate unionization as a move towards a markedly different future of higher education. As this work shows, student employees are seeking more than economic advancements and occupational rights over their schedule. Their wider goal is to create an inborn campus culture by changing the system itself.

Veronica Popp graduated with a Ph.D. in Rhetoric with a minor in Multicultural Women’s and Gender studies at Texas Woman’s University and a Master’s in Creative Writing from Aberystwyth University. Popp has been published in *Still Point Arts Quarterly*, *Peitho*, *Bitch Media*, *Films for the Feminist Classroom*, *Gender Forum*, and *The Last Line*. Her creative dissertation, *Sick*, was longlisted for the New Welsh Review (NWR) *AmeriCymru* Prize. She served as the Graduate Assistant for Jane Nelson Institute for Women’s Leadership and Center for Women in Politics, *Suffrage in Texas Expanded (SITE)*. Outside academia, Popp worked as an organizer for the Chicago Metro Project in higher education

constituencies at DePaul University, University of Chicago, and Northwestern University, and for Service Employees International (SEIU) at O'Hare airport kicking ass for the working class.

University of Chicago (UChicago) library employees, full of the spirit of May, filed for their union election at the National Labor Relations Board (NLRB) on May 8, 2017 (Illinois State, Court of Appeals, 2019). They 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, and legal and local community support. The Teamsters were chosen specifically because they already had an in-born culture of unionization both in Chicago and on campus, due to their representation of the other campus library staff.¹ They also had a history of long fights with large corporate entities, such as Montgomery Ward in the 1950s, which solidified their status in Chicago as both bread-and-butter unionism and social unionism.²

UChicago was the first, but will not be the last, group of undergraduates to seek collective bargaining rights under our current legal system and it is important and necessary to explore and show how their efforts relate to the movement so far. Discussion of labor organizing and collective bargaining issues at universities almost always centers around graduate employees,³ contingent faculty,⁴ or tenured public university faculty, and relatively little research is focused on another form of labor activism within the academy: the undergraduate. Considering this move among some of the academy's least visible workers to organize, it is important to understand how that organizing happens and why, how it succeeds or fails, and what it means for understanding the modern US private university. This case study of the University of Chicago Library organizing drive can provide an important lens through which to view these movements.

This essay is not a history of university collective bargaining, higher education, or faculty opposition to unionization. This work is an examination of one unionization effort at a specific time and place. While a participant in the graduate employee activism movement at UChicago as a union organizer in 2017, I observed a parallel undergraduate movement occurring simultaneously on campus and was afforded an opportunity to see their campaign firsthand. I was able to investigate the intellectual approaches of these groups as a research opportunity thanks to my presence on campus as an observer. Further clarity was offered by the time and spatial separation between me, Chicago, and organizing efforts. Following more research, I discovered that what was happening among

the undergraduates at Chicago was remarkable and set out to record the private undergraduate labor unionization movement as an academic trend.

This paper will examine the case of UChicago students' employee unionization effort through three key phases: the university challenge of the legal status of student employees from petition to election, the university loss after an extended court battle post-election to state challenge, and union recognition and contract ratification despite a small bargaining unit and low voter turnout. This article closely reads the NLRB case documents, collective bargaining agreement, and messaging strategies that the union and the university utilized in their case and comments on the national effort of undergraduate unionization as a move towards a markedly different future of higher education. As this work shows, student employees are seeking more than economic advancements and occupational rights over their schedule, the wider goal is to create an inborn campus culture. Daniel Julius and Nicholas DiGiovanni contend that the primary motivation for faculty organizing is the desire to engage in collective bargaining over their craft rights without the usual concern over higher wages (141;174). Faculty at universities unionize to seek to maintain control over and protection of their status, employment, and position of privilege relative to other workers. Undoubtedly, every institution has its own unique culture. However, private undergraduate labor unions are a relevant and important site of discourse and analysis because, in contrast to the craft union concept, the students who work on campus are aligning themselves with campus workers and not the faculty. The values inherent in aligning with campus workers rather than campus faculty are not just a platform for collective bargaining, it is for a greater voice in the decision that affects their lives and the desire to create a more equitable and just campus environment.

Theoretical Framework / Research Question

In 2017, undergraduate students at the University of Chicago organized a campaign to unionize campus workers and formed the UChicago Student Library Employee Union (SLEU), which voted overwhelmingly to unionize in an NLRB (National Labor Relations Board) election and later ratified the first contract in 2022. Using UChicago as an example, this paper will explore why it took five years for contract ratification and three years for the university to acknowledge the union and what it means within the context of higher education organizing. UChicago is the chosen case because it represents a point where trends can be discerned when considered in context to prior efforts at George Washington University (2016-2017), Grinnell College (2016-ongoing), and prior legal precedents like Columbia. Lastly, to examine the changing face of higher education, this essay will be assessing the collective bargaining process through the lens of Nicholas DiGiovanni's five major influences on collective bargaining, which are history, expectation, people, timing, and catharsis.

I have framed this paper around the following questions: Why did University of Chicago undergraduate library workers choose to unionize? What prevented them from reaching an agreement with the university? What tactics did the university and union use to prove their case? Key themes emerge as a takeaway from this unionization effort: the ideological refusal of elite universities to acknowledge their on-campus workers as employees, the legal flip-flopping and decision making in relationship to controlling political parties both Democratic and Republican, and the refusal of undergraduates to back down, despite their being little change in personal circumstances and return on their investment in the union effort. Undergraduates are labor organizing for a variety of reasons, including to gain better wages, improved working conditions, and greater job security. Teamsters 743, with their history in both worker and civil rights organizing, initially chose UChicago clerical workers for representation due to the large number of women and workers of color who received lower than average wages for the same work as white men. Later, Teamsters 743 organized the library staff at UChicago, and sought to extend their reach to student library employees and unionize a new membership who sought representation. University of Chicago undergraduate students held an already existing culture and history of social justice and were able to achieve collective bargaining despite other larger national union efforts having failed. Other student groups are catching up to them, tying their already established communal activist links to unionization efforts and beginning campus conversations on the value of labor in the academy. UChicago is a place where the ideological challenges of both students and universities reached their zenith. Both refused to budge due to their previously-stated moral stances on their identities and roles within the system of higher education. The result was a five-year stalemate before the two sides could arrive at a negotiated collective bargaining agreement, a timeline well in excess of the norm. The collective bargaining agreement likely would have been achieved more quickly if undergraduate workers had not occupied an unclear legal space at the time.

Methodology and Case Selection

Undergraduate students believe they are employees when they work on campus. Universities believe that undergraduate workers' relationship to the institution is that of students, which they've argued precludes an employer/employee relationship. Private universities such as the University of Chicago argue they are not bound by the National Labor Relations Act (NLRA), which guarantees collective bargaining, in order to deny or prevent undergraduate workers from organizing their union. The denial is partially due to timing and political shifting within the NLRA between Democrat and Republican parties. Historically, elite universities such as the University of Chicago do not seek to give up their authority or decision-making power. Furthermore, as previously stated, ideological

opposition is a key motivator to the University of Chicago's rejection of the undergraduate unionization bid.

Identity is a major component here, as students do not see themselves as part of a gentry elite academic of yore but as belonging to the sizar. A sizar was a rare student of intellect who was a servant-class worker achieving higher education through an exchange of tuition and housing for on-campus domestic service ("Sizar"). As previously established, the university and students were at odds due to how each group identified themselves and their roles within higher education. In the past, students were overwhelmingly tools of the system, actively participating and seeking to join it. And while UChicago students, as a whole, enjoy a great deal of privilege, they nonetheless, like the privileged Berkeley students who spearheaded the demonstrations against racial injustice and the draft in the 1960s, fought for what they believed was right. Students' identification as marginalized workers is unique, with these students having the time and resources to organize and engage in the kinds of battles for incremental change that other marginalized people cannot.

In general, private enterprises do not support unionization due to the perceived loss of autonomy. Furthermore, as Valdemar Carlson argues in "Intellectuals and the Labor Movement," collective bargaining and unionization creates disruptions and challenges business management systems (456). UChicago has over 30,000 students applying every year, with a 7% acceptance rate, and holds an endowment of eleven billion dollars of investments (Integrated Postsecondary Education Data System (IPEDS) Finance). They do not align their values with unions, due to the institutional focus on the maintenance of free market economics with little outside intervention. In total, the university took five years to bargain with their student employees and the majority of them had graduated before any significant gains or momentum were made within their organization. In many ways, these employees built something they would never get to see or personally benefit from.

Background

The NLRB's stance on private university organizing has evolved, but it currently operates under the 2016 *Columbia* decision.⁵ This ruling stipulates that the bargaining unit of teaching assistants were statutory employees specifically under Section 2(3) of the NLRA. Included in this ruling were graduates and undergraduates. *Columbia* stated the logic for grouping this bargaining unit of disparate ages and interests was simple: they still were the same community of interest (18), separation would frustrate the collective bargaining process, and despite temporality, the positions were recurring (21). The NLRA states an employee is broadly classified as one who performs work under supervision for which they received compensation:

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)

Columbia ushered in the legalization of undergraduate employees to unionize by striking down the core argument that because the university had an educational mission, relative to those individuals, it could not also be their 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” (2). *Columbia* further clarified that departmental divisions were not prohibitive of seeking collective bargaining and the employee titles of undergraduates included teaching assistant, fellow, preceptor, course assistant, reader, and grader all qualified under the same bargaining unit (22). What this means in respect to the University of Chicago case study, is that despite the place in their education or employment, undergraduates were able to file for collective bargaining while undergoing their studies at the same university, even if their positions were unrelated to their degree.

The *George Washington* (2017) case verified *Columbia*’s stance as a legal precedent.⁶ With a unit of roughly 110 resident assistants, George Washington student employees went public and filed for unionization in 2016 in response to the *Columbia* decision with the Service Employees International Union (SEIU), Local 500. Their argument was that by being paid for their work, receiving the necessary training, and having duties under their employers' control, they satisfied *Columbia*'s requirements for employees (“Decision and Course of the Election” 2). However, the university argued that they were students, and therefore could not also be employees under the NLRA. The NLRB ultimately concurred with the undergraduate workers, deciding that resident assistants (RAs) were employees because they were paid a salary and given housing (“Decision and Direction of the Election” 8). Overall, the

decision was made because RAs both sell and trade their labor for payment and sign a contract (“Decision and Direction of Election” 6). The university argument that RA’s could not unionize due to student privacy related to Family Rights and Educational Privacy Act (FERPA)⁷ and their argument that the workers' on-call status made them ineligible were also rejected (“Decision and Direction of Election” 2). Timing, in this case, was not on their side though. Local 500 chose to pull the petition when support dipped during final exams. They informed the members via email and they were unable to mobilize further. National union efforts have more to lose when they engage with student-employee unionization, which is why they tend to pull out of elections when they see support or political advantageousness dipping. A large union institution can remove and withhold power from its members as much as a university can when they deem it expedient. Despite the low turnout, SLEU pushed forward and held their election during finals. Campaigns that hold a nexus within worker control give them more endurance to see the course and allow them to take direct ownership of the campaign, such as in the case study of the University of Chicago.

The first private undergraduate student employee unionization effort occurred at Grinnell College. The College Trustees agreed to voluntarily recognize a unit of student dining workers in 2016, this movement was mainly run by Sam Xu and Cory McCartan with the help of pro-bono attorneys (“Grinnell NLRB Hearing Transcript”). Eventually, when the union sought to expand in a wall-to-wall election, they had to pull their petitions from the NLRB due to timing and the desire to preserve *Columbia* as precedent in 2018 (“Grinnell NLRB Hearing Transcript”). Independent efforts at Grinnell College through the Union of Grinnell Student Dining Workers (UGSDW) continued with legal protections extended to dining workers (including high school students) and community advisors, but the union was open to all with a current membership of approximately 650 students (“UGSDW”). Examining the trend over time, Grinnell lost their continued bid for wall-to-wall unionization at the NLRB in 2018. Yet, despite four years and many students graduating, UGSDW is currently bargaining for all student employment positions. UGSDW organized the first neutrality agreement in March 2022 and the college trustees voluntarily recognized their unit in August 2022. UGSGW successfully argued to the university that their organization had staying power (“Notice of Voluntary Recognition”). Meanwhile, UChicago was the first and only petition that came through in time to be certified before the NLRB changed hands in 2017 from Democratic to Republican for undergraduate employees during Donald Trump’s presidency. What Grinnell’s history showcases with respect to the case study is an example of a movement that caught fire, was extinguished due to timing and lack of communal support, yet has been reignited and reinvigorated to become a harbinger of future events at the university.

The definition of employee for students at private universities has always been amorphous, but three major decisions underpin the case study at UChicago. *New York* (2000) allowed the right to collectively bargain as employees to graduate employee teaching assistants.⁸ *Brown* (2004) ruled that student employees had a primarily educational and not economic relationship with their employer (486).⁹ *Columbia* (2016) both restored and extended employee rights to both graduate and undergraduate employees. The new change of circumstances for undergraduate employees follows the *Black's Law* definition of an employee as “A person in the service of another under any contract of hire, express of 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 as non-collective bargaining employees. While the ideological opposition to unions may seem uniquely appropriate to UChicago's free market mindset, it is not much different from how we see other private institutions acting historically within the legal casefiles.

The shift in the NLRB case rulings began in favor of student employees over universities due to their financial impact on the communities they serve. Originally citing their lack of jurisdiction over private undergraduate unionization in *Columbia Trustees* in 1951, the NLRB reversed course. In 1970, the NLRB ruled in *Cornell* that due to the dual educational and fiscal status of non-profit universities, they held jurisdiction. *Adelphi* (1972) was the first time the NLRB chose to hold and exercise jurisdiction over private labor of student employees.¹⁰ *Adelphi* (1972) ruled the student employees who took on faculty duties were still primarily students (640). *San Francisco Art Institute* (1976) ruled that student janitors were temporary and did not merit collective bargaining due to turnover, temporary status, and work unrelated to their degrees (1251). *Boston Medical Center* (1999) ruled that medical interns, including residents, fellows, and house staff, had the opportunity to collectively bargain because Section 2(3) of the NLRA spoke to “any employee” (160).¹¹ This ruling overturned the previous *St. Clare's Hospital* (1977) and *Cedars-Sinai Medical Center* (1976). What each case means is that any employee who works for a private institution and trades their labor for payment has the right to unionize. Despite the fleeting status of education and employment for students, they held the same opportunity for collective bargaining. UChicago has held and maintained a role within the economic status of the Hyde Park community and it is now impossible to ignore.

Similar to UChicago, 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). Yale's women and office workers of color famously walked off the job to counter the culture of disrespect that administrators and professors had for

their clerical jobs with student support in 1985 (Ladd-Taylor 478-479). The controversial efforts by teaching assistant graduate employees through UNITE-HERE to gain the union recognition of administration have been a twenty-year-long struggle through a partial grading strike in 1995 (Discenna 19), a solidarity strike with janitorial and office workers in 2003 (Greenhouse), and hunger strike in 2017 (Hogler 49). Yale graduate employees recently unionized and are currently bargaining with their employer.

The UChicago library unionization movement has been an ongoing site of struggle for fifty years. According to Steve Askin, “The Union is Us” a former library worker, the clerical workers union organizing efforts began due to low pay, high turnover, and lack of control in working conditions in 1950 and 1971, respectively.¹² Both library staff and student workers joined together in an organizing committee and on March 15, 1971, the library and clerical staff filed for an election with the Distributive Workers of America (DWA) naming themselves Local 103 (University of Chicago Library, 205 N.L.R.B. 220). Post-hearing the NLRB separated the communities of interest of library and clerical workers of Local in 1973 and argued they had to file one big unit of all clerical workers. Therefore, both staff and students at the library sought to align together but were separated by the NLRB, never gaining the same momentum. In 1977, clerical workers chose Teamsters Local 747, banking on their reputation for toughness resulting in a narrow win.¹³ Like the library workers currently, the first contract took two years to bargain with a salary gain of 26% (Askin). The purpose of this discussion is to provide necessary context regarding the history of UChicago library workers who sought control over their working conditions. Over time, they learned that for the university to hear their voice they had to act swiftly in utilizing the legal systems available to them.

University Challenge

Phase One: Petition to Election

UChicago’s Student Library Employee Union (SLEU) filed a petition for an election at the NLRB on May 7, 2017. This section will document, discuss, and analyze the petition to the election timeline chronicling the challenge to the legal status of student employees using the “Motion for Summary Judgement” legal brief in case 13-CA-217957 of the University of Chicago and Healthcare, Professional, Technical, Office, Warehouse, and Mail Order Teamsters Local 74. UChicago crafted its legal arguments to challenge the undergraduates’ case during a pre-election hearing on May 23, 2017, based on three core tenets of their ideology: students are not employees, the institution is educational, and the unit was not appropriate due to the dual status of graduate employees in both unions. The ideological argument is based on the limited and temporal nature of undergraduate student employment due to their status as students. If students graduate in four years, why do they need a union? This seems a

valid argument because compared to graduate student employees who generally are older and work at the university for longer periods of time, undergraduates have a less professional connection to their campus.¹⁴ On average, undergraduates are assumed to take four years to graduate. However, the national completion rate tells a different story. Nationally, students at private non-profit institutions complete their education in six years at a rate of 68% (National Center for Education Statistics). Furthermore, nationally-average workers in the United States tend to work for their current employer for four years in 2022, unmodified from the previous in 2020, according to the US Bureau of Labor Statistics (Employee Tenure Summary). Therefore, college students may work their undergraduate jobs slightly longer than the national average. The NLRB struck down the university argument due to the status of student employees under *Columbia* and the economic status of the university and an election date was granted for June 2 and 5-8, 2017.

With an election date granted, UChicago began to engage in extra-legal processes to discourage unionization of their student employees. Prior to the election, the university sent emails on May 22-23, 2017 cautioning student employees about unionization (Appendix 1). Furthermore, on May 24, 2017, a captive audience meeting was held. The student employees, after gaining the legal right to hold an election, sought to take their methodology of seeking recognition to the campus community in keeping with the theme of UChicago's culture of social justice movements. On May 25, 2017, the March on the Boss (MOB) event sponsored by University of Chicago Graduate Students (GSU) held a space for SLEU activist Sloan Rucker to speak about the goals of the library union. She argued that the University held a separate space between themselves and their students, noting the "impenetrable wall." In lieu of university control, they sought to build and create solidarity amongst themselves. She closed her speech by reiterating the union drive held a purpose for the workers to maintain the university's mission. Increasing public awareness and pushback against corporate control and culture underpins this discussion, as Rucker closed her speech stating, "the corporate boss is not our friend." Her conclusions continue to articulate the desires underpinning all undergraduate university unionization efforts: the desire of something greater than material wealth or gains for themselves, the move to push back against the growing business model of higher education focused on results-driven values of top-down bureaucracy. The University of Chicago strategy to disarm union activists was to have employees sit on the sidelines, confuse, prevent, and depress turnout so the union could not prevail. The employee's strategy was to engage in grassroots public dialogue with their potential members at their campus community by holding meetings, having one on one conversations and participating in actions.

UChicago's second major argument cited the timeline of the election, prior to finals and its disenfranchisement of voters. The request

for an extension to Fall was denied by the board based on the same evidence presented in the pre-hearing on June 1, 2017. UChicago's attempts to delay would have meant a loss of steam and momentum, while pushing forward with an election despite the concern about turnout was the union's strategy to ensure the election happened. Typically, final examinations are the busiest time for student library employees and therefore, those who were on campus would be both working and studying. The election was held on June 2 and 5-8, 2017, with multiple polling times and stations in both the Regenstein main library, Social Service library, and D'Angelo law Library at each worksite (Exhibit 3 and Exhibit 5). The board attempted to make the voting widely accessible throughout UChicago's large campus. The voting tally was, out of 199 voters, a total of 67 for and 13 against, over 40% of the entire unit (Exhibit 5). 13 ballots were contested (Exhibit 5). Challenging ballots generally affects election results, in either direction. For example, during the 1977 clerical employee organizing campaign at UChicago, the vote count was 744 in favor for unionization with 723 against (Askin). Traditionally, many NLRB certification elections have only been decided by a small number of votes; therefore, voter turnout has a considerable impact on election outcome. Regardless of voter participation, a union must have the support of at least 50% plus one of the voting bargaining unit members in order to win a certification election. Nothing prevents a union from obtaining certification if a member of the bargaining unit does not cast a ballot in the election. In the case of SLEU, 80% of those who turned out voted in favor of unionization despite only narrowly representing 40% of the bargaining unit. A low election turnout is often a harbinger of a weak unionization movement or a strong intimidation campaign by the boss. In this case, it seems to be both. Because a significant number of members agreeing to vote yes suggests a stronger probability at winning, national unions frequently file certification elections after they have obtained authorization cards to trigger an election from the bulk of their membership (usually between 60 and 80% of the unit). Smaller units must count on each single voter. In Grinnell's case, the dining employee's turnout was similar; however, they were voluntarily recognized by their college and faced no legal hurdles. Therefore, legal challenges and small turnout meant less support during an arduous contract campaign, which resulted in UChicago student library employees extending their timeline.

There are many national and local reasons for lower voter turnout within the United States and UChicago typifies this trend. According to Henry Farber in "Union Organizing Decisions in a Deteriorating Environment," from the National Bureau of Economic Research through an analysis of 140,000 NLRB elections from 1973-2009, the cost and time in these efforts prompt unions to choose bigger bargaining units with higher chance of winning, which is leading to a decrease of turnout (26). Regarding the University of Chicago, time was obviously a likely factor. Students who live on campus have a stronger impetus to vote and

encourage others to do so. Those who do not want to vote or seek to travel home, have a less likely chance of voting in the election. Finally, if one disagrees with the unionization effort, it is often easier not to vote at all and accept the results either way. Furthermore, as discussed below, due to the quarterly status of some employees, they may be unaware of their in-unit status. It is up to the union and membership to engage them in getting out the vote. Neither union nor university choose the dates of elections, the regional director selects the time. As Faber's work indicated, national unions do not invest in small campaigns, instead investing in campaigns they seek to win by using all the tools at their disposal. Local unions have community involvement, history, and resources. The unit itself was small, which was a tactical decision to garner legal certification as soon as possible prior to the NLRB changing hands.

Before the election, employers are required to provide an "excelsior" list, the names and contact information (including address) of employees. Often the lists will be inaccurate because employers have a challenging time determining who is in and out of the unit during a specific time 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 the union has a personal stake in a stronger excelsior list and the employer doesn't, it is likely voter turnout will be low because voters are unaware, they are within the bargaining unit. For example, due to a bad list from the employer, the NLRB overturned Harvard University's initial election on November 16-17, 2017 and held a second election on April 18-19, 2018.¹⁵ They won recognition through the Harvard Graduate Students Union-United Automobile Workers (HGSU-UAW) after a years-long campaign. However, based on a poor messaging strategy from the UAW, they focused narrowly on graduate employees. Undergraduate employees who were teaching fellows, teaching assistants, and course assistants at Harvard were unaware that they were even members of a union. Due to the email messages, meetings, and culture of activism at UChicago, it is less likely that the student employees were unaware of the election; however, turnout was low due to the aforementioned challenges of timing and intimidation.

Phase Two: Post-Election Challenge to State Challenge

On June 15, 2017, UChicago crafted its legal arguments to challenge the undergraduates' election based on electioneering, election timing, and the temporary status of student employees. Electioneering is the manipulation of voting through engaging either in person or through signage, out or near a polling place at a specific distance (usually fifty feet). Despite the failure to speak to voters on the worksite and the university testifying that they did not see any electioneering, they still brought forth the charge, mainly due to workers who were at the library wearing union insignia (Exhibit 12). According to the union, it was not possible to tell who was voting or

who was entering the library to study or to work. The one caveat was the offer of proof for witnesses to the charge of improper electioneering, which was granted on December 15, 2017, held on February 15, 2018, and denied in April, as unfounded. The only time when UChicago used the term “employee” to refer to SLEU was to discuss that a union sign was distracting and harming the choices of the voters to have a democratic election at the polls.

This criticism by the employer is an important distinction, because student employees both study, work, and often live in proximity; therefore, the difficulty in establishing who is entering the space to vote and who is entering the space to study is paramount for university elections. Future work should examine the best on-campus location for private university elections to ensure spaces for a free and towns, the university revolves around a central hub and community, since students truly live and work in the same locations; therefore, potential alternatives should be considered hereafter. UChicago is an example of the types of legal and extra-legal tactical strategies used to prevent voter turnout and, if that fails, to prevent the union’s certification.

One of the most consistent arguments from the University of Chicago through each denial was citing the limited and temporal nature of undergraduate employment intertwined with their educational status (Exhibit 2, 4, and 6, 8, 10, 12, 15, and 18). In 2017, these points were argued on May 23, June 14, and June 24, in the “Request for Review” and were consistently denied by the Regional Director. UChicago also refused to sign the election certificate (Exhibit 3). Undergraduates on average take six years to graduate and, as with any short-term position, turnover is cited as a concern regarding training new workers. Yet, if temporality is an issue, the UChicago case study proves that undergraduate student employees want more than justice only for themselves; they seek to build a legacy of consistency at their institution. There is limited evidence of financial gain from these union efforts. Compared to the university, students have limited time and resources for a campaign. Therefore, waiting until students graduate is a viable method to prevent unionization, which is what the Trustees did at Grinnell College. Unionization efforts such as Grinnell’s struggled to maintain momentum as activists moved on. There are too many students who now seek to continue this union trend, though, and the “wait it out method” is no longer feasible. As previously discussed, the internal politics of national unions disincentivize pursuing what they may view as marginal campaigns; therefore, when choosing Teamsters 747, the student employees named themselves as owners within their process of unionization. The university and student employees spent time, money, and energy on their ideological disagreements based on what and whom they believe a university student is. These arguments were extended into the state courts and triggered by Teamsters Local 743 seeking to collectively bargain with the University of Chicago. Letters dated March 27, 2018, and April 2, 2018, requested bargaining dates, and

the university denied the claim due to the temporary status of student employees (Exhibits 14 and 15).

Phase Three: Recognition to Ratification

Both federal and state courts were major players in enforcing the University of Chicago case. UChicago was charged with refusal to recognize the union, after exhausting all the legal avenues, on December 17, 2019, and subsequently recognized the union on February 13, 2020. In 2019, after refusing to bargain for six months, the union filed an Unfair Labor Practice (ULP), a claim that states the employer violated the NLRA by interfering with employee rights by refusing to collectively bargain with a unit that won a legally certified NLRB election (section 7 & 8 (a) (1)). The failure to collectively bargain with an NLRB-certified union is a violation resulting in a charge against one of the preeminent universities which situated itself ideologically within the principles of free thinking and spirited inquiry. The NLRB served the institution with the charge on June 15, 2019, and on June 29, 2019, the institution finally admitted they were refusing to bargain in order to test *Columbia* due to the educational status of student employees. In a final effort, UChicago returned to the temporary argument in the state court by seeking to prevent collective bargaining due to *Columbia*, but not seeking to overturn *Columbia*. “University of Chicago v. National Labor Relations Board” in Seventh Circuit Appellate Court decided in favor of IBT Local 743 arguing that *Columbia* decided that even if employees are temporary, they still deserve representation (Illinois State, Court of Appeals). UChicago argued that because the workers were temporary, they could not unionize (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)

The argument that casual workers are not employees simply adds an adjective to a case that has already been thrown out due to the standing *Columbia* precedent. However, at the same time as this decision, the NLRB published an agenda that could have wider implications for undergraduate employee organizing nationwide.

Federal Challenge

The *Columbia* precedent has been maintained and unchallenged despite legal friction; however, UChicago delayed its legal challenges to SLEU by banking on the partial reversal of *Columbia* in 2019. On September 23, 2019, John Ring, the former chair of the NLRB and a Republican appointee, published an agenda revisiting the *Columbia* judgment unilaterally for the purpose of efficacy without a case to adjudicate, which indicated that Ring was breaking with precedent (United States Government, National Archives). The aim of “Jurisdiction-Non-Employee Status of University and College Students Working in Connection with Their Studies” was to overturn the provision in *Columbia* that allowed all private university employees who worked related to their majors as non-employees, which would primarily impact graduate employees. In one of her first actions as Chair, Lauren McFerran withdrew the proposed rule change to the status of employees on March 15, 2021, due to limited resources (United States Government, National Archives). The ruling would include some student employees (who worked related to their studies) and not all (who mainly worked for economic reasons) and would thereby result in NLRB decisions returning to a case-to-case basis. Ultimately, the NLRB did not see this as a valid application of the principle. As Hogler forecasted, Trump appointees to the NLRB cause direct harm to union efforts seeking collective bargaining. The reasoning was touted as the need for efficacy. The action of overturning a ruling without a pending case, with a purposeful intention to exclude, and after it changed three times prior, does not provide consistency and steady commerce. The National Center for the Study of Collective Bargaining in Higher Education, Hunter College failed to take a direct stance on the issue; however, they called for testimony and empirical evidence from collective bargaining contracts to the guide (Herbert and Naald). What this means in relation to the context of UChicago is that the NLRB will constantly shift between Democrat and Republican in attempts to “chip away” at precedent during any pending case. The expectation is to predict that these political shifts will continue to occur until the NLRB appointees become politically sectarian and maintain its original purpose as an independent agency.

Analysis of Union Effort and Collective Bargaining Contract

My analysis has shown the University of Chicago undergraduate library workers chose to unionize because they sought to build a legacy of consistency at their institution with an already established union, Teamsters 743. The University of Chicago argued that the ideological and educational role of students was paramount over the fiscal relationship (University of Chicago v. National Labor Relations Board 7). History, community involvement, and the resource of human capital (organizers within the bargaining unit rather than employed by the union) were methodologies the union used to both win and maintain long-standing

support. Press coverage on SLEU was limited, varying from two paragraphs in *Inside Higher Ed*, *Chicago Tribune*, write-ups in the *Maroon*, the student newspaper, and a press release from the Teamsters. Often the union movements of the graduate employees and undergraduate employees were lumped together, such as in the “Two Student Groups File for Unionization” article in *Chicago Maroon* (Lomax). Overall, SLEU maintained a low profile. Communication was through person-to-person and their social media page regarding updates on the election, captive audience meetings, anti-union messaging, events, NLRB challenges, and bargaining. Accounts and messaging maintained by members and membership (while sporadic) is a local union form for winning basic member control, in lieu of larger unions that base their success on the need to gain large numbers of members in a short time.

The close-knit relationship between Teamsters Local 743, library staff, and library student employees cannot be understated. UChicago’s culture of solidarity across employee lines has been a constant theme throughout its history since its attempt to file for an election together in the 1970s. Independent union efforts such as Grinnell and Reed attempted to contact their pre-existing on-campus janitorial service unions but were both unsuccessful (Hichens; Douglas). University of Chicago and SLEU signed a collective bargaining agreement on May 25, 2021. As the contract shows, the student library employees asked for a starting wage of \$15.30 per hour which is slightly higher than the minimum wage law of Illinois as of January 1, 2023, which calls for \$13 and \$14 by January 1, 2024 (“Collective Bargaining Contract May 25, 2021- May 25, 2024”; “Illinois Department of Labor”).¹⁶ Student library employees have a wage increase based on seniority with \$15.92 being the highest rate of pay for a long-term worker. Furthermore, they gained overtime pay, signing bonus, lead pay, solo pay, pay for an additional language, experience credit, a grievance policy, non-discrimination language, holiday and bereavement pay, and finally, layoffs based on skill and seniority (“Collective Bargaining Contract May 25, 2021- May 25, 2024”). The contract language on bonus pay, seniority, and status, echoes similar contract language the IBT 743 also utilized with Provident Hospital employees and workers, showing that UChicago library employees chose them due to a desire for similar protections. Like UChicago, Provident Hospital was a local southside institution, due to its status as the first hospital which was both African American funded and owned. The trend of blue-collar unions entering higher educational organizing in greater numbers is important to follow because, in lieu of adopting the framework of professionalism, student employees are embracing a worker identity tied to their labor.

The time to contract took five years, which is in keeping with the overall lengthy process of seeking collective bargaining through the NLRB, UChicago is another example of the continuation of a national trend. According to Kate Bronfenbrenner, Director of Labor Education Research at the Cornell University School of Industrial and Labor

Relations, in 2007 there were 1510 elections through the private sector NLRB and 52% failed to gain their first contracts in a year and 37% failed to achieve their first contract in two years (3, 22). Bronfenbrenner's view is that employees are not incentivized to unionize and often the techniques that employers use such as interrogation, captive audience meetings, and anti-union emails occur so often they are normalized (25). While these moves are not illegal, they do not foster a space for workplace democracy. Speeches to captive audiences and anti-union propaganda are legally permissible. Employers are within their legal rights to lie in speeches to captive audiences and send as many anti-union messages (via email or in writing) as possible. Retaliation, threats, or anti-union statements are not legally permitted less than one day before an NLRB election, however, there is little else to do except file charges at the NLRB or hold another election (Bronfenbrenner 24-25). Other methods, such as delaying or filing charges with the NLRB still take an inordinate amount of time (Bronfenbrenner 2, 3). Bronfenbrenner's other research has shown unions are weakened due to institutional antagonism and laws that are often rarely enforced (5). As Bronfenbrenner suggested above, delays are legal and anti-union messaging such as captive audiences' meetings are illegal; however, the behavior has become so normalized that it is often forgotten. In the case of the University of Chicago, the employer engaged in these extra-legal attempts to stymie the unionization efforts, which delayed the inevitability of a certified unit and collective bargaining contract.

UChicago is the first undergraduate employee unit of library workers to unionize and, due to the overwhelming trend of student employees pushing back against their universities, they will not be the last. By aligning themselves with low-wage workers and their fellow librarians, they have two lines of defense against their casualization. Elliott Kuecker argues that the University of Chicago student library workers are the first to protest their status in the low-wage economy, but by linking up with the already existing library professionals they took a stance against the casualization of their profession through the saturation of part-time and student employees rather than full-time staff (56). The solution is not to provide students with more complex professional quality work, it is to pay students a fair wage and treat them like human beings who have a say in their workplace. 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 less expensive part-time student employees. The solidarity and connections made between student employees and staff are important because these workers recognize their shared struggle for control over their workplace at UChicago and have maintained their collaborative desire since their initial bids in 1950s and 1970s respectively.

Labor implies production, but while UChicago students are paying for their education, many of them are running the college by maintaining its day-to-day operations. The institution works because the

students are there to both attend classes and work on campus. This offers a striking contradiction to the concept of liberal arts education: students are running the school in more ways than one. They are free to switch or change jobs or work multiple positions at once. Their roles are often in flux, but what should not be in flux is their legal title as an employee. The university depends on the labor of undergraduates, unionized or not. Mark Bousquet argues that both businesses and universities are corporate entities, and unions, while useful, do not stop the marginalization of these workers under a capitalistic system (148). Student employees are rejecting the concept that they must accept a temporary and marginalized status. Even as early as 1969, Ralph S. Brown Jr., argued that collective bargaining processes are not without their own difficulties, as sharing power and authority is not always possible at specific institutions. It is that increased distance that has grown between universities, faculty, and students that are leading to the growing divide and struggle for power. As Brown concluded, the role of the “third force” activist student is not stepping back. The activist student like faculty and university also wants power and say in the decision-making process in how they live and work. The UChicago case study is an example of what happens when an activist student group and the university choose to go toe-to-toe over their disagreement on their role at the university.

Conclusions and Projections

I conclude this essay by examining the results of the union recognition and contract campaign effort through the lens of Nicholas DiGiovanni's five major influences on collective bargaining. These are: (1) history, (2) expectation, (3) people, (4) timing, and (5) catharsis. In doing so, I forecast where the movement will go next and how UChicago both typified organizing in private universities and diverged from it. Both the institution and the students intensified their actions to achieve their desired outcome. This case study's strong point is the university's history, specifically the recognized ideological differences between UChicago and its employees. Due to their history of resistance to unionization efforts in both the economic and educational spheres, UChicago is recognized for its market-oriented perspective. Furthermore, IBT 743 had at their disposal a previous history of association with the university, localization of student and community activism, collective member engagement, and a reputation for resilience that preceded them. The expectation of library employees was to have a small unit of unionized workers, but they were aware that the university would fight them (due to the aforementioned conflicting viewpoints) every step of the way. The university made every attempt to prevent unionization by burying the union in paperwork hoping that they would choose to pull their petition due to the extended timeline and tenuous cost-benefit analysis. While the initial thrust was over pay and hours, the theme of voice continues to be repeated throughout the effort. The people within the movement were library staff and undergraduate

employees who spent their time organizing and creating a legacy of unionism at UChicago.

The timing of the certification was swift, if the University of Chicago had succeeded in delaying the union election until Fall or canceling the election, there would be no union. All private university unionization efforts were placed on hold once former President Trump's appointed NLRB chair, Ring, took office. The method to organize and file quickly with guaranteed support in a smaller union is risky. A collective bargaining agreement may not be as comprehensive as a larger more well-defined union organizing strategy of a super-majority. However, by acting fast and maintaining momentum, SLEU managed to create a union of the largest viable number of student employees in the shortest time available. To win their election and garner certification before the NLRB chairship changed hands, SLEU chose to organize with Teamsters who are known for their community approach and reputation for toughness and who did not abandon them despite the protracted legal fight. The system of adjudication was lengthy and students would not enjoy the tangible results they fought for themselves, yet continued to organize. These university techniques met the same pattern: by preventing an election or contract negotiation from occurring, the institution sought to "run out the clock" for *Columbia* to be overturned. Similarly, through emails and captive audience meetings, they sought extra-legal measures to ensure the election would result in low turnout and fought both the election process and results. Finally, the student employees filed for a union they never had the opportunity to see advance. Therefore, catharsis was never achieved.

To reiterate, UChicago is an important and valid site for case study analysis because it is an example of identity disagreements at the university when two entities both student and university refuse to back down, despite losses on both sides in terms of time, money, and energy for little reward. Like all unions, Teamsters 743 seeks new membership and union dues are not free. There is a cultural uptick of youth organizing, and a need for organizations with knowledge and experience to teach these skills. Unions require membership dues to survive, however, five years of legal support without pay is a substantial venture from any union. Therefore, Teamsters 743 invested in UChicago student employees as future members and workers. This case study and history show that over time student employees can and will unionize at whatever personal, professional, and financial cost because they want a voice on their campus and a culture of solidarity, despite heavy odds.

Unions will continue to grow among Generation Z because as the cost of living and inflation grows prohibitively higher, college continues to be an assumption rather than a privilege, and as the effects of the global continue to evolve, workers are making connections between the labor they enact through their studies and the work they undertake on campus to fund their studies. Administration, unions, and the NLRB cause direct harm to the working and living conditions of student employees when they

fail to place trust in the integrity of these movements. Denying their existence, pulling out of elections, and continuing to accept long-winded legal rigamarole do not help US universities and their students. Undergraduates are not seen as employees; however, as case analysis and precedent have indicated there is no legal justification to currently exclude them. The battle in the courts is based on ideology: universities believe students even when they work on campus are students first, despite receiving a wage and tax statement (W2) for their employed labor. Being a student, on the other hand, is no longer preparation for becoming a worker; the identities are much more fluid. Craft unionization is only part of the reasoning why undergraduate students seek to unionize in their workplaces. Yes, they want control and autonomy in their lives, but they also want an opportunity to meaningfully participate in the campus they work. 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. The University of Chicago is an important case to analyze because undergraduate unionization is a phenomenon that is poised to accelerate, and the relative lack of academic study on the topic is a spot in labor scholarship that needs to be filled. Undergraduate labor movements interact in an ever-evolving flow as opposed to a typical linear manner characteristic of pursuing collective bargaining, by building on (or creating) a campus culture of unity.

Undergraduate organizing efforts are in keeping with the national trend which began during the COVID-19 pandemic: students refused to be exploited. Mt. Holyoke, Wesleyan University, Dartmouth, and Barnard College, all elite universities, have ongoing unionization efforts. Like UChicago, the strategy of Kenyon College is to delay rather than hold an election for their undergraduate employees, due to the example set by the student employees. *Kenyon* (2021) through Kenyon Student Workers' Organizing Committee (KSWOC), affiliated with the United Electrical, Radio and Machine Workers of America (UE) filed for their union election in October 2021 and were granted an election. However, they have been indefinitely delayed ("Motion to Postpone" 2). Like Grinnell, Kenyon's bargaining unit advocates for a wall-to-wall approach including library employees. Overwhelmingly, the recent bargaining units are either resident assistants or dining hall workers, both being groups who deliver essential services such as food or home care. More investigation is being done by the author on the relationship between resident assistants and dining hall worker undergraduate unionization movements as a growing "servant class" and what it means for the private university. Due to the emerging status of the private undergraduate labor movement, the scope of this research is purposefully constrained. The effects of private undergraduate unionization on student achievement, graduation rates, and the teacher-mentor relationship need to be studied further. The University of Chicago was the first of many universities to have students question

what their role meant at the university, sparking a five-year battle based on an ideology that continues far beyond their ivy-covered walls.

Notes

¹ The legacy of the teamster is business unionism. 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. Instead of being labeled a dead or passé organization, teamsters have a much more solid history and reputation as a well-respected organization that fights for their workers. See David Scott Witwer, *Corruption and Reform in the Teamsters Union* (2003).

² See Liesl Miller Orenic, "The Base of the Empire: Teamsters Local 743 and Montgomery Ward," which argued the shift in Teamsters 747 included both legal and illegal channels of operation.

³ See Robert and Gary D. Rhoades in "Graduate employee unionization as symbol of and challenge to the corporatization of U.S. Research universities," which argues connections between graduate students' unionization and the corporate university is the result of the inherent limiting of resources among a significant number of humanities workers who are providing capital and research for the global neoliberal research university. *Journal of Higher Education*. 2005; vol. 76, no. 3. 243-275.

⁴ See Steve Shulman in "Contingency in Higher Education: Evidence and Explanation" from *Academic Labor: Research and Artistry* (2017), which discusses the growing army of adjunct faculty based on university financial exigency over need.

⁵ Prior to *Columbia* (2016), the National Labor Relations Board (NLRB) issued an invitation for amici briefs on four main issues: should Brown be overturned or changed; if so, what would be the new standard for undergraduate and master's students; is a unit of graduate, undergraduate, and master's students appropriate; and, if Brown were to be changed or overturned, what would be the new measure (1). The amici (including Yale, Dartmouth, Cornell, and Harvard) argued six major points: private university workers were students first, collective bargaining would intrude on academic freedom, private was not the same industry as public, rights must be granted on a case to case basis, research assistants are not included, undergraduate and master's students should also be included, and the employment of a graduate worker was casual ("Brief of Amici Curiae Brown University, Cornell University, Dartmouth College, Harvard University, Massachusetts Institute of Technology, University of

Pennsylvania, Princeton University, Stanford University, Yale University”).

⁶ Reed College argued similarly, firstly that the Housing Assistants (HA’s) were not employees due to their status as students. Student Workers Coalition, Local 1, led by Seth Douglas argued they were due to their tax status as employees (Douglas). While they may also learn valuable skills from their workplace, the purpose of HAs was an exchange of labor for goods and services, not an educational endeavor.

⁷ A common institutional argument that unionization is impossible due to FERPA privacy rights for student employees and the other students they serve in their capacity as resident assistant (RA) or another employ, undergraduate unions have no issues accepting contracts with this FERPA language included. See Anthony Fitzpatrick in “Undergraduate Unionizing: A New Frontier” *Post-Columbian World.*” *Iowa Law Review*, 106 Iowa L. Rev. 1393 (2021).

⁸ The *New York* (200) ruling did not preclude undergraduates from ever being considered for unionization under NLRB jurisdiction. Undergraduates were present at New York University (NYU) doing similar work; however, they were not included in the petitioned for bargaining unit due to their temporary status of less than a semester, “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 one week to one semester” (1217).

⁹ See S. Henkel in “Working Conditions and Learning Conditions after the National Labor Relations Board’s Brown University Decision” for a further discussion on how banning graduate employee unionization will lead to unrest, *Workplace*, 12, 44- 53.s.

¹⁰ *Stanford* (1974) also attempted unionization of graduate employees.

¹¹ Post Brown, Abram in *PMLA* argued that collective bargaining should be amended to meet both employees and institutions meaning that the law would have to be changed (1191).

¹² Unionization of campus and hospital janitors occurred five years prior in 1945 (Askin).

¹³ Famed organizer and business agent, Regina Polk was at the forefront of organizing these white-collar women workers for higher wages and fair treatment. See Terry Hesser, *I am a Teamster*, Lake Claremont Press, 2008.

¹⁴ See Sean Rogers et al. in “Effects of Unionization on Graduate Student Employees: Faculty-Student Relations, Academic Freedom, and Pay” which argues unionization of graduate employees has no effect on academic freedom, overwhelmingly, pay was better and there was a sense of collegial support among the workers (504, 506).

¹⁵ According to the “Notice of Election” from the NLRB, “The election conducted on November 16 and 17, 2016 was set aside because the National Labor Relations Board found that the Employer’s failure to

provide a complete Voter List interfered with the employees' exercise of a free and reasoned choice" (President and Fellows of Harvard College).

¹⁶ Grinnell College and the Union of Grinnell Student Dining Workers (UGSDW) argued for a base of \$10.40 their first year and \$10.75 for the second-year contract. They are currently bargaining and asking for \$15 hourly ("Your Contract").

Appendix- Message to Membership via SLEU Facebook Page May 23, 2017

ATTENTION LIBRARY WORKERS: In the past two days you will have received several emails from the University administration with strong messaging about why student library workers should caution against unionizing. However, the real message is clear: when the University positions itself as anti-union, it is anti-student.

When we earn low wages, work on erratic schedules, and receive no support in the face of Title IX, ADA, and labor violations, our jobs as student library workers interfere with our ability to be students. Only as unionized workers will we be able to protect our rights as well as fully engage in the academic mission of the University of Chicago.

The University fundamentally misunderstands how a union works when it argues that student workers will lose agency in the terms of their employment. As unionized workers, we will finally have a seat at the table in the discussions and decisions that affect our lives. We will be able to participate in mandatory contract negotiations with the University administration and receive legal representation in cases of workplace violations. This ability is especially necessary for student employees, as the administration has habitually failed to meet with students in a timely or productive manner.

With the resources and guidance of the Teamsters Local 743, the union that already represents many career library workers and dining staff on campus, we will be able to make real progress toward our goals of higher wages, fair schedules, and a better and more transparent recourse on workplace violations. Our main priority is to have our voices heard and our needs represented as a community of student library workers.

We call on the University to remain impartial in this election to unionize, and to let students make an informed decision that will represent their own interests as workers.

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