

Postdoc Identity, Jurisdictional Issues, Ideologies, and Unions: Considerations in Organizing Professionals

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Abstract

This study of U.S. postdocs and unions analyzes the public discourse of national entities, a national postdoc advocacy group, and of local postdoc unions and their collective bargaining agreements. The analytical focus and findings address: (a) postdocs' identity as "professors-in-training" or exploited employees; (b) the professional jurisdictional issues and due process rights identified as problematic and on which postdocs' bargaining is focused; and (c) broader ideologies and social justice issues that characterize postdocs' working conditions and that inform their mobilizing. The findings offer insights into organizing professionals in a time when their status/work is being degraded.

Keywords

postdocs, unionizing, discourse, jurisdiction, identity, ideology

The [university's] chief negotiator didn't even know who postdocs were. She thought we were graduate students.... (Camacho and Rhoades 2015, p. 313)

Are postdocs independent professionals or dependent academic apprentices receiving advanced training, and, as Bauer (2017) has detailed with graduate assistants,

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“professors-in-training” whose identity is resistant to unionization (Bauer 2017)? What jurisdictional issues define their problematic terms of employment (Rhoades 2017; Rhoades 2020) and drive postdoc unions’ negotiation demands (Camacho and Rhoades 2015)? And what ideologies about “professionals,” social justice, and how to change working conditions are applied to and/or are articulated by postdocs? What’s at stake in addressing these questions is understanding considerations that contribute to the unionization of professionals amidst identities and ideologies hostile to unions, an issue that is important to me and that I have experienced as a labor scholar and labor activist.

In this historical case study of U.S. postdocs and unions, I employ elements of critical discourse analysis to explore the public discourse of national science policy entities, a national postdoc advocacy group, and of local postdoc unions, including their collective bargaining agreements (CBAs). One thesis and finding is that unionizing postdocs identify as professionals experiencing exploitative working conditions, taking us beyond Bauer’s (2017) binary of being either professors-in-training or precarious workers. That emergent identity is exemplified in the epigram, in postdocs’ sensibility of being professionals, not (graduate student) trainees, and as mobilizing collectively as vulnerable professionals, not precarious workers, to re-negotiate their working conditions. A second thesis and finding is that the discourse of national entities and postdocs about problematic working conditions are in some ways similar, but postdoc advocacy units and unions address social justice-connected workplace issues ignored by national entities. A third thesis and finding is that recognizing exploitative conditions does not on its own translate into support for unionization, as with the national entities and the NPA. A catalyst is an ideology of strategies by which working conditions can be changed—unionizing is animated by critiquing workplace inequities and managerial practices that professional persuasion has failed to change.

Postdocs, the Academic Workforce, and Postdoc Unionization

The 2000s have seen expansion in academic postdoc numbers and as central players in universities’ grant productivity (Cantwell and Taylor 2015). Even before then postdocs had shifted from being a temporary, predictable step on the ladder (Zumeta 1985) to being sequential temporary positions with uncertain faculty job prospects (Stephan 2012). Their emergence dates back a half-century. In 1982, 18.6% of the PhD cohort in biosciences took postdocs, compared to 4.4% in 1958 (Zumeta 1985). In the 1990s, postdoc positions increased by 46%, and then 54% from 2000–2019, including 15% in the last decade (NRC 2012; NSF 2019, Table 1.1.).

By the mid-1990s, most postdocs were international, leading to national calls for more U.S. (especially minoritized) students in STEM (Black and Stephan 2010; Rhoades and Torres-Olave 2015). In 2017, of 64,743 postdocs, 54.5% were non-U.S. citizens, and most U.S. postdocs were White (57%) or Asian-American (20%) and male (60%) (NSF 2017, Table 2.1).

As postdoc appointments have expanded, access to tenure-stream jobs has become more constrained (Finkelstein, Conley and Schuster 2016), in a trend preceding unionization. Like contingent faculty, by the 2000s, postdocs had become a “secondary labor market” (low wages, temporary employment, and limited benefits) in research (Rhoades and Torres-Olave 2015).

The benefits of postdocs to universities are clear, as are the costs to postdocs, who gain little advantage in the faculty labor market (Su 2011). Consider the 1999 *Science* news article “Cheap labor is key to U.S. research productivity: The low pay ... has been a boon to U.S. research universities” (Mervis 1999, 1519). Postdocs are essential in enhancing universities’ grant productivity: “As universities have become more dependent on resources derived from the research economy, they ... employ postdocs to carry out much of this research... (Cantwell and Taylor 2015, 688–689). In 2000 (COSEPUP, 10), a national science committee stated, “As a whole, the postdoctoral population has become indispensable to the science and engineering enterprise...” So, as universities have become more dependent on external research monies, they have prioritized hiring (lower wage) postdocs who are dependent on their p.i.’s and universities.

Therein lies the foundation for understanding concerns about problematic employment practices for postdocs articulated in newspapers and scientific magazines. That has included concerns about “perpetual postdocs” working in one position after another (Woolston 2002). Time-in-postdoc and access to tenure-track jobs have been addressed, as in a 1999 issue of *Science*, “Postdocs working for respect,” had articles on postdocs being exploited labor. An “Advice” section article in *The Scientist* spoke to “postdocs pawing out of purgatory” (Jaffe and Park 2003). A *Nature* article read, “Give postdocs a career, not empty promises” (Rohn 2011).

It should not be hard to understand, then, why union drives of postdocs emerged. A late 1990s National Academy of Sciences survey of postdocs found that, “They believed the system exploited them, and many had little hope for the future.” (Jaffe and Park 2003, 1). In 2005, a unionization drive emerged at the University of California (Camacho and Rhoads 2015). By 2020, six postdoc unions had been established (Herbert, Apkarian and van der Naald 2020).¹

Conceptualizing an Academic Capitalist Analysis of Postdocs

My analysis of postdocs is grounded in conceptualizing academia’s restructuring as “academic capitalism” (Slaughter and Rhoades 2004). Beyond increasingly embedded private sector logics of revenue seeking/generation in higher education, this regime entails enhanced managerial capacity relative to increasingly “managed professionals” (Rhoades 1998). It also entails expanding contingent segments of academic employment that have lower wages, limited-to-no benefits, and no job security (Finkelstein, Conley and Schuster 2016; Rhoades and Torres-Olave 2015).

Considerable scholarship exists on the unionization of adjunct faculty and graduate employees (e.g., Berry 2005; Dobbie and Robinson 2008; Gilbert 2013; Rhoades and Rhoads 2003; Rhoades 2017; Rhoades 2020). However, there is little on postdocs,

even though they have experienced dramatic unionization. Thus, the concepts that guide my analysis, are drawn from studies of graduate employees' identities, issues, and ideologies (Bauer 2017; Rhoades and Rhoads 2003) and from studies of contingent faculty's negotiation of professional "jurisdiction" relative to the employing institution and to tenure-track faculty (Rhoades 2017; Rhoades 2020).

Studies of unionized graduate employees have focused on whether these academic employees identify as "professors-in-training" and as primarily students, or as "precarious workers" (Bauer 2017). Moreover, those identities can be connected to the types of issues being mobilized around in organizing and contract campaigns—e.g., bread and butter union issues (i.e., salaries, benefits, and hours), professional issues, and broader social justice issues—and around ideologies about professionals, universities, and change (Rhoades and Rhoads 2003). For postdocs, the identity issue is framed by their relative invisibility and vulnerability in their dependence on principal investigators (Camacho and Rhoads 2015), and by their standing as professionals with terminal degrees, mostly in high-status (STEM) disciplines. They are de-professionalized employees, with declining prospects of tenure track employment. That makes professional support and development issues especially compelling. So, too, their marginalized statuses (e.g., many international students) may contribute to foregrounding social justice issues.

Studies of unionized adjunct faculty have centered professional "jurisdiction" disputes (Abbott 1988) regarding workplace due process rights (Rhoades 2017; Rhoades 2020). For postdocs, there are related issues vis-a-vis the institution and principal investigator. Do they have a right to minimum/maximum appointment periods, to mentoring and training, to independent arbitration in cases of harassment? Their status as scientists may heighten their sense of exploitation by the university, even as that same individualistic identity can sometimes lead them to align with and rely on managerial discretion to voluntarily ensure good working conditions (Brint 1994).

As postdocs are a growing segment of unionizing academic employees, it makes sense to explore public discourses about them, and public demands as well as contract provisions that are negotiated by them. That especially makes sense given that success in public sector unionizing is affected by public perception and support of employees (Bauer 2017; Tattersall 2009).

With the above foundation of conceptualization, the study has four research questions.

1. What identities of postdocs (e.g., as professors-in-training, precarious workers, or exploited professionals) are articulated by national entities and the National Postdoc Association (NPA), as compared to those articulated by postdoc locals and in collective bargaining agreements (CBAs)?
2. What bread and butter, professional, and broader social justice issues do the national entities and NPA identify with regard to postdocs, as compared to postdoc locals and the CBAs?
3. How, if at all, does the language of national entities and the NPA, and of postdoc locals and their CBAs alter the power (im)balance between employees'

jurisdictional, due process rights and employers' discretion by speaking explicitly to the former and thereby delimiting the latter?

4. What ideologies are expressed by national entities, the NPA, and postdoc locals in terms of their strategies for improving postdocs' situation (i.e., professional strategies for persuading campus administrations, or union strategies of collective bargaining and public messaging)?

Methods

To address the above research questions, I conducted a historical case study of public discourse by and about postdocs, including in the collective bargaining agreements (CBAs) of stand-alone bargaining unit locals of postdocs. The public discourse that I explored dated back roughly two decades. Key national reports from prominent entities in science policy emerged in 1998 and 2000. In 2003, academic postdocs formed the National Postdoctoral Association an advocacy group. And the first postdoc union campaign emerged in 2005.

The data. The past two decades have witnessed national reports from entities that shape science policy, calling attention to and making recommendations about postdocs' situation and material conditions of work. For this study, I selected five reports (AAU 1998; COSEPUP 2000; NRC 2005; NIH 2012; NAS 2014) of key policy shaping and making groups: The Association of American Universities represents leading public and private research universities in the U.S. (63) and Canada (2) focused on maintaining a strong system of academic research; The Committee on Science, Engineering, and Public Policy is a committee of three National Academies (of Science, Engineering, and Medicine), and is advisory to the President's Science Advisor, the National Science Foundation, and the National Science Board, as well as to other federal agencies and congressional committee; The National Research Council is the operating arm of the National Academies, providing expert advice and shaping national science policy; The National Institutes of Health are the primary federal funder of academic research and primary source of funding support for postdocs; and the National Academy of Sciences is a congressionally chartered non-governmental body charged with providing advice on science and technology matters. Together, these entities are major players shaping public discourse and policy about science.

In addition, I analyzed the NPA's website and 2017 report. The five particular reports were selected because they got significant play in national policy discourse, and were referred to by the NPA in its 2017 report (Ferguson et al. 2017). Finally, I studied all six postdoc bargaining units—their websites and CBAs. These artifacts are public pronouncements communicating key aspects of the (re)presentation of and by postdocs. The CBAs also provided direct data on postdocs' formal terms and conditions of labor.

Data analysis. In exploring reports, union websites, and CBAs, I utilized elements of critical discourse analysis (Fairclough 1995; van Dijk 2003). CDA connects power and language, linking texts and discursive practices to social relations of power.

Although most higher education scholars using CDA focus on racial and gender identities (e.g., Patton 2014), some also address class (Ozias and Pasque 2019), and some apply it to management/labor relations (Rhoades 2020). Thus, CDA facilitates exploring the intersections between workplace justice issues of academic labor and social justice issues operating within/beyond the academy.

In analyzing public discourse, and relating its textual elements to larger structures of power, to answer research questions #1 and #2 about identities and issues I focused on explicit and implicit wording/meanings of reports, websites, and CBAs in their (sub) titles/headings, word choice, storylines, metaphors, and recommendations. I also considered what was not addressed.

Further, I analyzed texts in relation to structures of power at play in postdocs' employment relations to management and supervisors, and to ideologies of how to change those structures (research questions 3 and 4). It is not just that "power is located in discourse" (Patton 2014, 732); discourse can identify obstacles and solutions (Ozias and Pasque 2019). National entities' discourse sought to improve postdocs' experience, as did that of postdoc locals. But it diverged on how to effect such change, based on different ideologies about professionals and change. That is part of how documents/texts are "in broader conversation with broader societal discourses," and "(re)orient the intended audience(s) toward the issue at hand ... in relation to broader social discourses" (Squire, Nicolazzo and Perez 2019, 119). Discourse is not simply a "tool of the ... maintenance of dominating power regimes" (Patton 2014, 731–732); it is a tool by which workers can negotiate those regimes to improve their material conditions of work.

Public Discourse

The findings are organized around the public discourse of the national entities' reports, the NPA, and the unions, in relation to each of the study's four research questions.

National reports. The AAU report's title (1998) referenced "postdoctoral education," a telling word choice about identity. Postdocs are not independent professionals; they are getting additional education. A major theme was that while postdocs were supposed to be periods of further training for future academic scientists, appointments were "being used as an employment holding pattern" (1998, 2). The recurrent theme was that postdocs should be temporary, but increasing numbers were in their "second, third, and even fourth appointment" (AAU 1998, 2).

The causes of these problematic conditions were said to be the rapid expansion and ad hoc evolution of such positions. Universities were falling short in structuring quality experiences.

The lack of clear central oversight of postdoctoral education raises serious questions about how successfully institutions are meeting their obligations to postdocs as trainees and professional colleagues. (AAU 1998, 4)

The problems were no clear delineation of appointment periods, inadequate mentoring and professional development, and postdocs' lack of opportunity to develop their research agenda.

The report's recommendations urged universities to get organized, establishing policies/procedures to redress the problems. Such policies should cover, "publication rights; faculty responsibilities for mentoring and evaluation of postdoctoral appointees; and career advising and job placement [from faculty mentors and departments]" (AAU 1998, 5). And appointments should be 2–3 years, with no individual exceeding six years in such positions.

The Committee on Science, Engineering, and Public Policy's (COSEPUP) 2000 report, "Enhancing the postdoctoral experience," invoked and paralleled much of the AAU report. On postdocs' identity, its first principle was, "The postdoctoral experience is first and foremost a period of apprenticeship for the purpose of gaining scientific, technical, and professional skills that advance the professional career." (Ibid. 2) A key problem explicated in the report was one of "perennial postdocs" (91) being stuck in one position after another beyond five years. One of the report's key action points was to, "Set limits for total time as a postdoc (of approximately five years, summing time at all institutions), with clearly described exceptions as appropriate." (Ibid. p.99) The recommendations were for regular mentoring from p.i.'s, professional/career development from universities, and clearer policies, as well as, "compensation commensurate with the postdocs' contribution to the research enterprise." (99)

Embedded in the recommendations is an acceptance of the existing power structure, and implicitly a theory of change grounded in professional ideology—change comes through data-based persuasion of federal policymakers and campus central management decision-makers. As exploitative as the current hierarchy is, the report's action points depend on universities' management developing and enforcing policies. The onus of change also lay with individual postdocs taking "primary responsibility for the success of their experience" (Ibid., 100).

The National Research Council's report (NRC 2005) referenced and amplified the identities foregrounded in the AAU and COSEPUP reports. Postdocs were "scholars" and "new investigators" in a "temporary," "training," "apprenticeship" (Ibid. p. 82). The word, "employee" was not used. The report's title spoke to the problem: "*Bridges to independence: Fostering the independence of new investigators.*" Providing data on postdocs' increased age and time spent in appointments, it recommended a five-year limit, to be "enforced" by the NIH in its funding (Ibid., 4). It also recommended consistent mentoring, more career advising/training (from universities and departments), and opportunity/support for postdocs to do independent research. It relied on such changes coming from campus managers being persuaded by data to do the right thing.

Although the NIH 2012 report referred throughout to postdoctoral "researchers," in spots it also referred to them as employees, unlike the other reports. The problem it identified was:

[I]t is evident that the postdoctoral period has become a holding pattern for many young researchers. Although a postdoctoral fellow is considered a trainee, ... many ... fellows receive little additional preparation for their future careers... Few ... receive instruction in grant writing, laboratory and personnel management, and teaching... (NIH 2012, 36)

Its recommendations urged funding agencies and campus managers to provide mentoring and career development, requiring Individual Development Plans for postdocs. And it stipulated a higher stipend (plus benefits) for NIH awardees (Kirschstein National Research Service Award).

The preface of the National Academies of Science report, *The postdoctoral experience revisited* (NAS 2014) invoked COSEPUP's 2000 report, saying NAS's report assessed whether COSEPUP's recommendations had been followed. The word, "employee" was not used. Rather, "researcher" and "scholar" were used, to define a "postdoctoral researcher," as a "training" experience "conducted in an apprenticeship mode" (NAS 2014, 21). A postdoc "should be a defined period of advanced training and mentoring in research" (NAS 2014, ix).

The issues identified and ideology articulated in nine pages of recommendations (and rationales) invoked previous reports. The NAS report called for a maximum period of 5 years, including time in postdocs at other institutions, after which a more permanent position should be provided. It foregrounded wages, supporting NIH's new minimum, and a range of benefits (e.g., health, family leave, retirement). Recommendations also centered on professional issues such as mentoring and professional development from principal investigators and universities. The latter were encouraged to evaluate the quality of mentoring and support postdocs received. The path to improving postdocs' situation was university managers establishing policies and postdoc offices.

Finally, broader social justice issues went unaddressed. There was no consideration of sexual harassment or racial/ethnic discrimination. An Appendix devoted to the "unique challenges" of international postdocs dealt with visa, language, and cultural issues, but not "neo-racism" (Cantwell and Lee 2010—though ironically, Cantwell and Lee were cited).

National postdoctoral association (NPA). The NPA's formation followed an April 2002 Washington, D.C. meeting of *Science's* NextWave Postdoc Network. It was established in 2003 "with the goal of fostering necessary improvements to the postdoctoral situation in the United States." (<https://www.nationalpostdoc.org/page/About>) The identity the NPA advanced featured postdocs as scholars, not employees, as in the website's definition: "A postdoctoral scholar is an individual holding a doctoral degree who is engaged in a temporary period of mentored research and/or scholarly training..." (https://www.nationalpostdoc.org/page/What_is_a_postdoc) There were almost no references on the website to postdocs as employees.

That scholarly identity was also evident in NPA board members' bios. The format and information read like short bios for federal grant proposals. They spoke to individuals' scientific merit. All but one board member had a PhD, all in STEM fields.

Scholarship and discovery were coupled with a science-based identity. No leadership (or staff) had past/current union experience.

The NPA report did not mention unions (Ferguson et al. 2017), and its website's only mention of unions was hostilely neutral or negative. It required multiple clicks from the home page to "advocacy" to "postdoc policy issues," one of which was "unionization." Clicking that link led to: "The NPA takes a neutral stance on the unionization of postdocs." The reader could then view an "Overview of Postdoc Unionization." (http://cdn.ymaws.com/www.nationalpostdoc.org/resource/resmgr/2019_launch/resources/policy/pd_unionization_2019v1.pdf). One "resource" on the site was the National Right to Work Legal Defense Foundation, Inc.—an anti-union group. It falsely claimed that, "Unions engage principally in collective bargaining and negotiated grievance procedures. Unions do not usually provide career development services or networking opportunities across a spectrum of organizations." In fact, as shall be seen below, postdoc unions do negotiate mentoring, career, and professional development language. It also falsely claimed that, "A significant portion of membership dues go to a union's strike fund."

The issues featured on NPA's website and in its report were much like those featured on postdoc unions' websites and in CBAs. They included "bread and butter" salary and benefits issues, "professional" issues of mentoring and professional development, and broader social justice issues. On the latter, the website featured committees focused on "diversity" and "international" issues. And policy issues listed under "advocacy actions" included responses to an NSF report on sexual harassment and to Trump administration Executive Orders.

So, too, in NPA's report, bread and butter, professional, and social justice matters were featured. The survey data, major headings, and recommendations urged universities to "provide higher compensation and equality in benefits," "increase parental leave and family friendly benefits," "provide training programs," and "support diverse demographics."

The NPA report's analysis and recommendations point to the professional ideology underlying this advocacy group's strategy of how to effect change. The origins of the NPA lay in persuading national policymakers and local university management with data to implement improved policies. Many of its report's principal recommendations (e.g., about salary, length of appointment, and career development) were linked to the national entities' reports. And one of its main recommendations was for more universities to establish postdoc offices to implement "best practices" (Flaherty 2018). Consistent with centering postdocs' scholarly identity, it comported with an ideology of how professionals achieve change, persuading formal policymakers in "reasoned," not "activist" ways to change policy (Hart 2008), not through unionization.

Postdoc union websites. Of the six stand-alone postdoc locals, five were affiliated with the United Autoworkers. Yet union campaigns and units centered their professional identity as researchers and scholars, *not* (with one exception) as workers. The first stand-alone local presented itself as "representing over 6,500 postdoctoral researchers," on its homepage as, "the union of more than 6,500 postdoctoral scholars." (<http://uaw5810.org>), and in its contract as, "Postdoctoral Scholars" Rutgers'

postdoc union website referred to them as “Postdoctoral Associates.” (<http://www.rutgersaaup.org/members/postdoctoral-associates>) And the CBA’s “Recognition” clause identified members as, “all regularly employed post-doctoral associates and post-doctoral fellows ...” Similar language (postdoctoral researchers, research associates) was on The University of Massachusetts, Amherst postdoc union’s website and in its contract.

The one exception was the Columbia Postdoctoral Workers, whose name foregrounded a worker identity. Yet, the website’s subheading was “a union for postdoctoral researchers,” and the contract defined members as “research scientists,” foregrounding a professional identity.

Nevertheless, postdocs union campaigns and negotiations also spoke to being exploited employees. A principal driver of unionization at the University of California was “conditions of workplace vulnerability.” (Camacho and Rhoads 2015, 295) Central to that vulnerability were lab hierarchies in which principal investigators were unconstrained bosses on whom postdocs were wholly dependent, violating the latter’s professional identity. As an organizer reported:

The PI mistreated another postdoc and told him, “I am the CEO of the lab,

I am the boss, and everybody in the lab from the technician to the postdocs

have to listen to me.” He viewed it like a business, a type of total control... (Ibid., 308)

Vulnerability was even greater for postdocs with marginalized identities. For international postdocs, losing their job meant losing their visa. For postdocs identifying as women, issues of pregnancy and of sexual harassment were prominent (Ibid., 309; Flaherty 2019). And postdocs knew that internal professional structures had failed to redress these systemic vulnerabilities.

Such social justice concerns were translated into jurisdictional claims by postdoc unions, in areas not addressed by the national entities, and in collectively negotiated ways not pursued by the NPA. For example, Columbia’s postdoc union (CWP-UAW) featured social justice issues and gains in negotiating their first contract, including stronger language on discrimination and sexual harassment, and “new rights for international postdocs.” Each of the stand-alone postdoc websites featured comparable discourse in identifying demands and contract gains. For example, the University of Connecticut local featured, “enhanced protections against sexual and other forms of discrimination and harassment and discrimination. (<https://uconnpostdocunion.org>) And the University of Massachusetts, Amherst, featured a campaign for affordable, quality child care. The University of Washington local’s site also featured visa and immigration issues. These legal claims were advanced by negotiating and enforcing collective bargaining agreements.

Part of asserting new jurisdictional claims relative to employing principal investigators and universities was also website language about professional issues. As in the national reports, the postdoc union websites made clear that these highly educated

academic employees in high demand fields felt not just exploited but also under-supported. The University of Washington postdoc union identified bargaining demands of improved training, free career services, travel funds, and paid time off for interviews. The Columbia Postdoc Workers featured an Individual Development Plan as part of more consistent mentoring and professional development.

Although the preceding themes were almost identical to themes and proposals in the national entities' reports and the NPA's work, there was a key difference in identity, and in ideology regarding structural problems and how to change them. The locals had a collective bargaining identity, encapsulated by a quote from a member on the University of Washington local's website, on the "about" page, which listed postdocs' reasons for becoming members:

Only through legally-binding representation will we as postdocs be able to effect the necessary changes to improve the working conditions for ourselves, and future ... postdocs. Postdoc tenures are only getting longer and harder, even as we become a more and more integral part of the university. (<http://www.uwpostdocsunited.org/about-us/>)

Gathering data to persuade policymakers was not good enough. Through unionizing, postdocs were gaining respect and rights as professionals by negotiating legally binding CBA provisions.

The Collective Bargaining Agreements

The findings from CBAs are organized around provisions/gains in bread and butter, professional, and social justice issues, as they relate to the second and third research questions.

Salary. Postdoc unions have focused on raising salary floors, and salaries overall. One benchmark has been the NIH's Kirschstein award levels. Three contracts referred to that floor; three others established similar or higher floors. The University of California's contract held that, "Increases to the salary stipend minima rates shall be made in accord with the NIH notice pertaining to the Ruth L. Kirschstein National Research Service Award (NRSA) Stipend Levels." The University of Washington's CBA set a minimum salary above the Kirschstein minimum, with a clause to "re-open" negotiations if that level increased during the life of the agreement. The CBAs of Rutgers and the University of Massachusetts, Amherst did not reference the Kirschstein award, but established comparable minimums (the former also provided raises to the minimum of \$1,000 each contract year). Columbia's CBA set a far higher minimum—\$60,000.

All the CBAs also provided general raises. For example, the levels were 3% at the University of Massachusetts, Amherst (for postdocs whose salary was above the minimum), 2% at Rutgers, 3% at the University of Connecticut (for each reappointment), and 2.5% minimums at Columbia in the second and third contract years. All were substantial gains in postdocs' rights.

Leaves/benefits. A key benefit locals' websites featured as contract gains was parental leave, consistent again with national policy discourse. This bread and butter issue also reflected larger justice issues, surrounding gender and pregnancy. Most postdoc CBAs had some paid family and/or parental leave provisions, although Rutgers' contract ensured only unpaid "Family Leave." For several contracts, such leave also covered adoptions (at Columbia only for adoption of children six or under). At the University of Washington, the benefit was under "sick time off," and at the University of California it was part of "Pregnancy Disability Leave," a remarkable framing of pregnancy. Yet, again, these were major claims in non-discretionary rights.

Years of appointment and workload. Appointment language bridged traditional union and professional framing, delimiting postdocs as a temporary period of further training in which they can pursue their own work. All the CBAs had minimum/maximum appointment provisions.

All provided one-year minimum appointments, although some left room for discretion. Columbia University's contract included, "unless the University determines that circumstances require otherwise." Similarly, all the CBAs identified maximum appointment periods. In three, the maximum included prior postdoc appointments at other universities, as in the University of California's contract: "The total duration of an individual's postdoctoral service may not exceed five years, including postdoctoral service at other institutions. Under unusual circumstances the University may grant an exception to this limit, not to exceed a sixth year." The University of Washington's contract was similar. The University of Massachusetts, Amherst's contract set a six-year limit, "including previous appointments at other institutions." In the three other contracts, the maximum period was five years at Rutgers and the University of Connecticut, and three at Columbia, with the possibility of a two-year extension if the postdoc so desired. Such time periods reflected, in general, the recommendations of the national entities' reports.

On workload, however, there were variations, reflecting a contrast between a traditional union framing of set hours and a scholarly/professional framing tied to the demands of getting the (research) work done. All but two CBAs explicitly referred to work hours. The University of Connecticut's contract identified 40 h as the "typical workload," even as it indicated that postdocs were "exempt" employees ineligible for overtime. Other contracts used "at least 40 h" per week phrasing (again with language that postdocs are exempt employees, ineligible for overtime). As in the University of California's CBA, the rationale was that for a professional, the work defines the hours, not the reverse: "The workweek for full-time exempt appointees is normally at least 40 h, with the emphasis placed on meeting the responsibilities assigned to the position, on making progress toward their professional goals, and on demonstrating their research and creative capabilities, rather than on working a specified number of hours." The same language was in Columbia's CBA, with the caveat, "Required work schedules must be reasonable, and related to the research needs" (the same sentence was found in the University of California and University of Washington CBAs). CBAs reflected a tension between

legal rights protecting postdocs from being exploited employees and their researcher identity as scholars that work at least 40 h-per-week, emphasizing the latter characterization.

Mentoring and professional development. The professional issue of mentoring and professional development, featured in policy discourse also featured in CBAs, which established legal rights in reference both to principal investigators and to the university. All but one CBA had mentoring and professional development language. In four cases, it established rights to regular mentoring, and to professional development and career services programs.

The most common terminology was postdocs' entitlement to "Individual Development Plans," developed and discussed with p.i.'s, found in five of the CBAs. The particulars varied. The University of Massachusetts, Amherst CBA detailed postdocs' right to regular meetings and to an annual Research Progress Report. The University of Washington's CBA left the initiation of an IDPs to postdocs (not to the employer), with similar provision for regular meetings and annual reviews. It also referred to "basic mentorship obligations." For the University of California, the process was also elective for postdocs, with similar detail about meetings/reviews. Columbia University's contract made IDPs elective, but unlike the University of Connecticut did not accord discretion to p.i.'s in whether they would conduct annual evaluations.

Four CBAs afforded postdocs the right to professional development beyond IDPs. A common example was career services. In the University of Massachusetts, Amherst's CBA, such services (and other PD) were offered through the Office of Professional Development. In the University of California's contract, a "Professional development and career counseling" article established a labor-management committee to explore "professional development issues." The University of Washington's CBA included language on career counseling, and also indicated, "A reasonable portion of paid work time shall be allocated to professional development activities." Rutgers' CBA had a side letter agreement on coordinating support services for postdocs.

Intellectual Property and academic freedom. Two professional issues raised in public discourse that were not so present in CBAs were intellectual property and academic freedom. On the former, four CBAs provided for postdocs' claims to their intellectual property. These simply invoked preceding university policy, and they included a caveat ensuring managerial discretion—management could revise policies outside the collective bargaining process.

Bargaining unit employees shall have the same intellectual property rights and obligations as other University employees under applicable state and federal statutes and University By-Laws and policies. ... The Union acknowledges that the University may revise, issue, and/or develop bylaws and policies respecting intellectual property at any time. Such policies and any changes shall apply to Postdocs... (University of Connecticut)

However, none of the CBAs established postdocs' right to academic freedom.

Sexual misconduct, discrimination, and survivor support. Social justice issues were central on postdoc locals' websites, regarding organizing and contract campaigns. The framing was that current internal university structures were insufficient to address systemic sexual harassment and (racial) discrimination. All but one CBA addressed such issues.

The Columbia Postdoc Workers' website made explicit connection to broad social movements. It posted an open letter to the administration with its demands, and this preface:

Even though at our first meeting we expressed that harassment and discrimination are real issues, and that current policies are insufficient, the administration disregarded our report and proposed that Postdocs ... should be required to address sexual harassment, discrimination, and bullying through the university's existing procedures, without any option of taking such grievances to neutral arbitration ...

The letter went on, "From #MeToo and #MeTooSTEM, high profile lawsuits, and public ousters of faculty who were known predators for decades, we have far too many examples where existing processes have failed us." And negotiations yielded significant wins here.

Along similar lines, the postdoc union website at the University of California featured among contract gains, "improved protections that ensure survivors' careers are not derailed." (http://uaw5810.org/wpcontent/uploads/2020/04/UAW5810_VictoriesInfographic_0427.pdf) So, too, the University of Washington's postdoc union site featured as a contract gain stronger language around discrimination/harassment, including grievance processes to facilitate such complaints and protections against retaliation for complaint filers. And the local's home page featured a tab on Black Lives Matter. The University of Connecticut's contract provided additional processes/protections for those filing discrimination and/or harassment complaints, including pursuing the complaints through grievance and arbitration. The University of Massachusetts, Amherst contract also provided that grievance avenue. Finally, the union website at Columbia included a solidarity statement on anti-Black violence.

International students and visas. Another social justice issue taken up by postdoc unions was calling for equitable treatment of and support for international postdocs. All the CBAs had language about international postdocs, and such matters also featured prominently on several unions' websites. Columbia University's CBA provided visa support and accommodation for working remotely if returning to the U.S. was delayed, as did the University of Connecticut's. The University of Massachusetts, Amherst CBA provided a visa reimbursement fund. Two other CBAs established labor management committees to address international employee issues. And websites featured the locals' actions—the University of Washington's postdoc union website had an "International Solidarity" page, with pictures and links about actions against anti-immigrant federal policies. The University of California's postdoc website linked to an "International Scholars" working group within the union that had taken

multiple actions in response to anti-immigrant governmental policies. All locals focused on protecting these employees' rights.

Discipline/dismissal. A last part of the CBA analysis concentrated on what conditions justify termination. Fundamental to respecting postdocs' rights as employees vis-à-vis the discretion of the employing principal investigator or university was negotiating the right to grieve such decisions rather than being vulnerable to employers' arbitrary will, without recourse.

All postdoc CBAs established employees' due process right to grieve discipline and dismissal/termination. They delimited managerial discretion. Notably, Columbia University's CBA had special provision for international postdocs: "In cases of discharge where an international employee's current visa status may be affected, the Union and the University will use best efforts to expedite the grievance and arbitration process."

A central due process right is to ensure that "just cause" is required for employers' personnel actions. All but one of the CBAs had such language regarding discipline and/or dismissal. Such gains are substantial, as displayed on the University of Washington postdoc union website, with a "before and after" conditions of labor tab. Prior to unionization, "postdocs were disciplined or dismissed without UW having to show just cause. Advance notice was suggested"; By contrast, the CBA read, "UW must prove just cause in order to take corrective action against or dismiss a postdoc and must provide advance notice." The University of Massachusetts, Amherst CBA elaborated steps and procedures that constitute due process and are part of "just cause" in discipline/dismissal, as did the CBAs of Columbia, the University of Connecticut, and the University of California. The postdoc local of the latter had a section of its website featuring "contract improvements," indicating that prior to unionization, "Postdocs could be disciplined or dismissed arbitrarily, or 'at will.' UC could lay off Postdocs at any time and for no reason without notice or compensation." But in the CBA, "UC must prove 'just cause' in order to discipline or dismiss Postdocs. Layoffs require very specific conditions and Postdocs must receive at least 30 days notice and pay before being laid off." Lastly, Rutgers University's CBA included language about reasons needing to be legitimate and non-arbitrary. These are major shifts in the (im)balance of power between employees and their employers.

Discussion/Conclusion

In discussing the findings, I return to my title, "Postdoc identity, jurisdictional issues, ideology and unionizing," and to my research questions. There was shared and contrasting framing of postdocs' *identity*. National entities and the NPA defined postdocs as individual professors-in-training (Bauer 2017). So did the postdoc locals. Yet, the latter also advanced a collective identity of postdocs as vulnerable, professionals exploited by their employers. That discursive distinction has led some postdocs to unionize, organize, and negotiate collectively.

Similarly, there was commonality and divergence in the *issues* identified in addressing postdocs' working conditions. National entities, NPA, and postdoc locals all spoke

to bread and butter issues of raising salaries/benefits and delimiting employment periods, and to professional issues of mentoring and career development. But, the NPA and postdoc locals spoke to broader social issues (e.g., sexual harassment, discrimination) unaddressed by national entities. What set the postdoc unions apart was their establishing postdocs' *jurisdictional*, due process rights in CBAs that reduced managerial discretion, as in "just cause" language about discipline/dismissal. Widespread recognition of exploitative working conditions did not mean the NPA and national entities supported unionization, but it lent legitimacy to unionized postdocs' bargaining claims.

Regarding *ideology* and the theory of change, there was total discontinuity between the national entities and NPA versus the postdoc locals and CBAs. The former's discourse accepted the prevailing structure and hierarchy. Responsibility for change lay with federal agencies and campus authorities; the mechanisms for effecting change were data, reports, and persuasion—professional strategies for establishing best practices. By contrast, postdoc locals' critique of universities' exploitative employment structure translated into effecting change by organizing collectively to re-negotiate the legal employment relationship between postdocs and employing universities/p.i.'s. Postdocs were committed to professional hierarchy, and framed themselves as scholars/researchers seeking individual upward mobility. But, they also challenged professional hierarchy and ideology by seeking change through collective unionization, not persuasion.

Implications for theory and praxis. One of the most rapidly unionizing segments of the academic workforce is one of the most understudied. Returning to my sub-title, "Considerations in organizing professionals," public discourse about postdocs, and their unions' websites and contracts offer insights into studying and organizing employees in academe and beyond. The identity of being a professional, and its ideological underpinnings can undermine unionization. They have been weaponized by management (and some employees) in anti-union campaigns. The case of U.S. postdocs, though, adds nuance to Bauer's (2017) thesis that framing academic employees as precarious workers rather than as "professors-in-training" is necessary to gain support from prospective members. Postdocs foregrounded their professional status rather than forgoing it. That very standing alongside their material working conditions contributed to a sense that these highly-credentialed researchers, mostly in high-status fields were being exploited, in semi-permanent, temporary positions. That sense was supported by the public discourse of national entities about working conditions that betrayed the promises to and futures of postdocs. It is clear that professionals, despite their individualistic professional ideology, can take on a collective union identity and purpose. That has direct implications for organizing praxis.

The study also extends our understanding of translating discourse about injustices in the workplace into contractual provisions. Building on Rhoades' (2017; 2020) idea of collectively negotiated jurisdiction, I show how postdoc unions have intersected workplace justice issues with social justice issues of sexual misconduct, racial discrimination, and xenophobia. Locals have articulated claims about workers' rights that address not just class-based matters but also identity-based injustices. That is a

promising path for future research on and organizing with discursive dimensions of mobilizing broader support for the organizing and contract campaigns. It connects the identities, issues, and ideologies of union employees to larger social movements.

In closing, I offer three implications for praxis in unionizing academic employees. First, efforts to organize professionals should tap into frustration about the chasm between professional expectations and workplace experiences, between the promise and the reality. All organizing is about respect (Berry 2005). The invisibility and disrespect that defines the existence of postdocs, who have come so far in their education, are powerful fulcrums for leveraging the identity of professional into support for building a collective bargaining identity.

Second, part of building broad public support for unions is chronicling exploitative working conditions that are problematic not just for the employees, but also for the larger public purposes they serve. At the core of social movement unionism is a connection to those public purposes. Thus, for example, adjunct faculty have articulated the mantra that faculty's working conditions are students' learning conditions (Maisto 2012). For postdocs, as seen here, the injustice of postdocs' working conditions has been linked to undermining the research enterprise to the public's detriment. Both cases speak to the value of an inside/outside strategy (Berry 2005) to shape public discourse and enhance employees' material position. Working within established unions can be complemented by discursive work outside them, in advocacy groups and in intersecting (and invoking) public discourse through various entities and outlets. Postdoc unions tapped into and advanced the widespread discursive consensus over their exploitative working conditions, made all the more problematic given their professional qualifications. If the consensus did not extend to supporting unionization, it still provided a foundation and a catalyst for negotiating concrete jurisdictional claims into contractual provisions.

Finally, my case offers insights for linking the organizing of professionals to broader social justice conditions, and to building coalitions among different workers on and beyond campus. Postdoc unions' centering of sexual misconduct, racism and anti-Blackness, and xenophobia spoke to issues of profound private concern to these employees due to their identities and vulnerabilities (Camacho and Rhoads 2015). It also took them beyond the "special" status of being professionals to common concerns of workers. Just as society is in a moment of reckoning about historical and ongoing systemic inequities, so, too is the academy. Part of that reckoning, as with unionizing of all workers, is respecting the broader humanity of workers and all people.

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1. In addition to these stand-alone units, postdocs have been included in four faculty units—Fordham University, Goucher College, Oregon State University, and the University of Oregon.

References

- AAU. 1998. *Committee on Postdoctoral Education: Report and Recommendations*. Washington, D.C.: Association of American Universities.
- Abbott, Andrew. 1988. *The System of Professions: An Essay on the Division of Expert Labor*. Chicago, IL: University of Chicago Press.
- Bauer, Louise Birdsell. 2017. "Professors-in-Training or Precarious Workers?: Identity, Coalition Building, and Social Movement Unionism in the 2015 University of Toronto Graduate Employee Strike." *Labor Studies Journal* 42 (4): 273–94.
- Berry, Joe. 2005. *Reclaiming the Ivory Tower: Organizing Adjuncts to Change Higher Education*. New York: Monthly Review Press.
- Black, Grant C., and Paula E. Stephan. 2010. "The Economics of University Science and the Role of Foreign Graduate Students and Postdoctoral Scholars." In *American Universities in a Global Market*, edited by Charles Clotfelter, 129–62. Chicago, IL: University of Chicago Press.
- Brint, Steven. 1994. *In an Age of Experts: The Changing Role of Professionals in Politics, and Public Life*. Princeton, New Jersey: Princeton University Press.
- Camacho, Sayil, and Robert A. Rhoads. 2015. "Breaking the Silence: The Unionization of Postdoctoral Workers at the University of California." *The Journal of Higher Education* 86 (2): 295–325.
- Cantwell, Brendan, and Lee Jenny. 2010. "Unseen Workers in the Academic Factory: Perceptions of Neo-racism among International Postdocs in the United States and the United Kingdom." *Harvard Educational Review* 80 (4): 490–517.
- Cantwell, Brendan, and Barrett J. Taylor. 2015. "Rise of the Science and Engineering Postdoctorate and the Restructuring of Academic Research." *The Journal of Higher Education* 86 (5): 667–96.
- COSEPUP. 2000. *Enhancing the Postdoctoral Experience for Scientists and Engineers: A Guide for Postdoctoral Scholars, Advisors, Institutions, Funding Organizations, and Disciplinary Societies*. Committee on Science, Engineering, and Public Policy. Washington, D.C.: The National Academies Press.
- Dobbie, David, and Ian Robinson. 2008. "Reorganizing Higher Education in the United States and Canada: The Erosion of Tenure and the Unionization of Contingent Faculty." *Labor Studies Journal* 33 (2): 117–40.
- Fairclough, Norman. 1995. *Critical Discourse Analysis: The Critical Study of Language*. Harlow, England: Pearson Education Ltd.
- Ferguson, Kryste, Michael McTighe, Bhishma Amlani, and Tracy Costello. 2017. *Supporting the Needs of Postdocs: 2017 National Postdoctoral Association Institutional Policy Report*. Rockville, MD: National Postdoctoral Association.
- Finkelstein, Martin J., Valerie Martin Conley, and Jack H. Schuster. 2016. *The Faculty Factor: Reassessing the American Academy in a Turbulent Era*. Baltimore, MD: The Johns Hopkins University Press.
- Flaherty, Colleen. 2018. "Best Practices for Supporting Postdocs." *InsideHigherEd*, January 5, 2018.

- Flaherty, Colleen. 2019. "Fallout from Pregnancy Bias Claim." *InsideHigherEd* June 11, 2019.
- Gilbert, Daniel A. 2013. "The Generation of Public Intellectuals: Corporate Universities, Graduate Employees and the Academic Labor Movement." *Labor Studies Journal* 38 (1): 32–46.
- Hart, Jeni. 2008. "Mobilization Among Women Academics: The Interplay Between Feminism and Professionalization." *NWSA Journal* 20 (1): 184–208.
- Herbert, William A., Jacob Apkarian, and Joseph van der Naald. 2020. *Supplementary Directory of New Bargaining Agents and Contracts in Institutions of Higher Education, 2013–2019*. New York, NY: National Center for the Study of Collective Bargaining in Higher Education and the Professions.
- Jaffe, Sam, and Paula Park. 2003. "Postdocs: Pawing out of Purgatory." *The Scientist* 17 (6): March 24, 2003.
- Maisto, Maria. 2012. "Taking Heart, Taking Part: New Faculty Majority and the Praxis of Contingent Faculty Activism." In *Embracing Non-Tenure Track Faculty: Changing Campuses for the New Faculty Majority*, edited by Adriana Kezar, 190–204. New York: Routledge.
- Mervis, Jeffrey. 1999. "Cheap Labor is Key to U.S. Research Productivity." *Science* 285 (5433): 1519–21.
- NAS. 2014. *The Postdoctoral Experience Revisited*. National Academy of Sciences, National Academy of Engineering, and Institute of Medicine. Washington, D.C.: The National Academies Press.
- NIH. 2012. *Biomedical Research Workforce Working Group Report*. Washington, D.C.: National Institutes of Health.
- NRC. 2005. *Bridges to Independence: Fostering the Independence of New Investigators in Biomedical Research*. National Research Council. Washington D.C.: National Academies Press.
- NRC. 2012. *Science and Engineering Indicators, 2012*. Arlington, VA: National Research Council.
- NSF. 2017. *National Center for Science and Engineering Statistics, Survey of Graduate Students and Postdoctorates in Science and Engineering*. Arlington, VA: National Science Foundation.
- NSF. 2019. *National Center for Science and Engineering Statistics, Survey of Graduate Students and Postdoctorates in Science and Engineering, NSF, 21–318*. Arlington, VA: National Science Foundation.
- Ozias, Moira, and Penny Pasque. 2019. "Critical Geography as Theory and Praxis: The Community-University Imperative for Social Change." *The Journal of Higher Education* 90 (1): 85–110.
- Patton, Lori Davis. 2014. "Preserving Respectability or Blatant Disrespect?: A Critical Discourse Analysis of the Morehouse Appropriate Attire Policy and Implications for Intersectional Approaches to Examining Campus Policies." *International Journal of Qualitative Studies in Education* 27 (6): 724–46.
- Rhoades, Gary. 1998. *Managed Professionals: Unionized Faculty and Restructuring Academic Labor*. Albany, NY: State University of New York Press.
- Rhoades, Gary. 2017. "Bread and Roses, and Quality Too?: A New Faculty Majority Negotiating a New Academy." *The Journal of Higher Education* 88 (5): 645–71.
- Rhoades, Gary. 2020. "Taking College Teachers' Working Conditions Seriously: Adjunct Faculty and Negotiating a Labor-Based Conception of Quality." *The Journal of Higher Education* 91 (3): 327–52.

- Rhoades, Gary, and Robert A. Rhoads. 2003. "The Public Discourse of U.S. Graduate Employee Unions: Social Movement Identities, Ideologies, and Strategies." *The Review of Higher Education* 26 (1): 163–86.
- Rhoades, Gary, and Blanca M. Torres-Olave. 2015. "Academic Capitalism and (Secondary) Academic Labor Markets: Negotiating a New Academy and Research Agenda." In *Higher Education: Handbook of Theory and Research, Volume 30*, edited by Michael B. Paulsen, 383–430. New York: Springer.
- Rohn, Jennifer. 2011. "Give Postdocs a Career, not Empty Promises." *Nature* 471 (7): March 2.
- Slaughter, Sheila, and Gary Rhoades. 2004. *Academic Capitalism and the New Economy: Markets, State, and Higher Education*. Baltimore, MD: The Johns Hopkins University Press.
- Squire, Dian, Z. Nicolazzo, and Rosemary J. Perez. 2019. "Institutional Response as Non-Performative: What University Communications (Don't) Say About Movements Toward Justice." *Review of Higher Education* 42 (Supplement): 109–33.
- Stephan, Paula E. 2012. *How Economics Shapes Science*. Cambridge, MA: Harvard University Press.
- Su, Xuhong. 2011. "Postdoctoral Training, Departmental Prestige and Scientists' Research Productivity." *Journal of Technology Transfer* 36: 275–291.
- Tattersall, Amanda. 2009. "A Little Help from Our Friends Exploring and Understanding When Labor-Community Coalitions are Likely to Form." *Labor Studies Journal* 34 (4): 485–506.
- van Dijk, Teun A. 2003. "Introduction: What is Critical Discourse Analysis?" In *The Handbook of Discourse Analysis*, edited by Deborah Schiffrin, Deborah Tannen, and Heidi E. Hamilton, 352–71. Malden, MA: Blackwell.
- Woolston, Chris. 2002. "Perpetual Postdocs." *Chronicle of Higher Education*, August 20, 2002.
- Zumeta, William M. 1985. *Extending the Educational Ladder: The Changing Quality and Value of Postdoctoral Study*. Lexington, MA: Lexington Books.

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