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Meet-and-Defer

The Rhetorical Unmaking of Graduate Academic Labor at the University of Maryland

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Abstract

This small labor history studies the rhetoric and techniques used by administrators in the University System of Maryland to disperse and co-opt nascent graduate worker and adjunct unionization efforts in the 2010s. Those efforts centered on exploiting the strange social status of academic labor, claiming to speak for workers, and relying on the concept of university “shared governance” to create toothless advisory bodies. The success of that rhetoric, however, was contingent on intra-union conflict over turf and the inexperience of USM graduate organizers, who have continually directed their organizing efforts towards lobbying for state collective bargaining rights. USM’s rhetorical reframing of graduate academic labor contributed to the continuous defeat of graduate union drives in the USM for the last twenty years. This study suggests that efforts to change U.S. higher education through labor organizing should be wary of any attempt to channel organizing energy into bureaucratic bodies and that success will require an expansive definition of “shared governance” that includes graduate workers, adjuncts, and staff.



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Introduction

From the window of his Zoom room, Steve Fetter looked bemused. He was here as the University of Maryland (UMD) dean of the graduate school, he said, to answer the most common question posed to him in hearings of the same proposed bill, year after year. His eyes moved across the Word .doc or .pdf hidden on his own screen as he made his points, smiling often:

When we hire a faculty or staff member, we do a search to identify the most qualified candidate for teaching and research. We offer them a salary that reflects that training and experience, as well as their job responsibilities and performance. We work to retain them and hope they will be with us for decades. [...] The [graduate assistant] stipend doesn't depend on prior training or experience. All GAs in a unit receive the same stipend regardless of what they're doing and whether their performance was average or superb. Our goal is the timely graduation of all students, including GAs. We want them to leave the university and to leave as soon as they're ready. We're committed to their academic and professional development as researchers and scholars but not as employees. An assistantship, in short, is part of a students' education. It's not employment. (Maryland General Assembly, 2022.)

The comparison is clear: faculty and staff bring value to the university, through their experience and training. Graduate assistants (GAs), however, receive experience and training from the university. And by the judgment of the Finance Committee of the Maryland State Senate, he was right. Or, at least, not wrong.

From 2000 to 2021, graduate assistants at the University of Maryland, College Park, had introduced ten other bills to claim their right to unionize. Like its predecessors, SB118 died in committee. The script dean Fetter delivered in the spring of 2022 followed scripts laid down by previous University System of Maryland (USM) administrators—graduate assistants are not workers; they are not selected for their skill or experience; and, importantly, an alternative for collective bargaining already exists within the USM. Confusions over the legal status of student workers, a federal government lukewarm on labor rights, and the alienating conditions of US universities all contributed to the failure of UMD graduate assistants to advocate for their rights as workers.

Public sector workers have often been excluded from US labor history (McCartin, 2006). This project helps to undo some of that neglect and provide another case in the history of US graduate unionization—one that examines how unionization efforts can fail or stall. By exploring how the USM and graduate students have negotiated the meaning of different statuses—"student" and "worker"—I contribute to an updated description of graduate assistants and their class position for labor history. The rhetoric I'm examining at the USM is not unique or unusual, but the historical context it is placed within is a useful test for rhetorical theories of how discourses of academic labor function.

We can understand the USM's rejection of the status of GAs as workers by looking to Thomas Discenna's theory on the "discourses of denial" in academic labor. Through a case study of graduate student unionization at Yale and the "rhetoric of professionalism," Discenna (2010) pointed out the careful rhetorical moves the Yale graduate union had to make to account for the odd social status of graduate workers and the labor they do. In particular, he notes their rejection of the "hegemonic rhetoric" of graduate school as an "apprenticeship" or an initiation into a "life of the mind" (Discenna, 2010, p. 24). Expanding on that study, Discenna (2018) argued that

academic workers in the United States are as a whole characterized by an internalized denial that they are workers at all. He concludes that academic labor is above all given a special status by its practitioners that at once sets it apart from other kinds of labor and allows it to bleed into leisure time: “Academic labor, then, is discursively imagined by some members of the community, its institutional role holders, perhaps only those at the top of this food chain, as undeniably strange. The distinction between domination and freedom becomes increasingly blurred” (Discenna, 2018, p. 73). This kind of internalized “vocational awe” for their profession prevents academic workers from advocating for better working conditions (Ettarh, 2018).

Graduate workers are a case where the denial of academic labor is both particularly contentious and difficult to overcome. In the case of Yale graduate workers, the official institutional response to their unionization campaign was to deny that graduate assistants were workers entirely—a tactic outside the standard anti-union consultant playbook, although consistent with management strategy for counterpersuasion (Serravallo, 2012; Brimeyer, Eaker, and Clair, 2004). This institutional stance on the classification of labor itself became a rhetorical strategy: “[T]he overt denial of [Yale grad] labor due to its classification as apprenticeship, or a kind of hybridized education, was invoked in order to ignore the efforts by [graduate workers] to challenge that status” (Discenna, 2018, p. 84). Discenna concludes that Yale graduate workers were ultimately not able to contest the underlying assumption that academic labor is special and “strange” in some way. To describe this discursive mechanism, he defines discourses of denial:

the denial of labor which pervades contemporary accounts of academic, as well as other forms of cognitive or immaterial labor, is a kind of knowledge, produced and reproduced linguistically, that conditions our understanding of labor in the academy. Denial naturalizes the invisibility of labor by reinscribing it as work, ‘a god-given vocation or “calling,” a uniquely privileged site of spiritual achievement’ that has no relationship to notions of necessity or certainly coercion that are part and parcel of concepts of labor.

These discourses of denial are used so often against academic unionization, since both institutional officials and academics workers often rely on a shared assumption of the special status of academic labor.

Through this study, I trace the construction of the USM’s “meet-and-confer” process and how that process connects to shared governance at the USM more broadly. I explore how the creation of “meet-and-confer”, by describing how it manifests “discourses of denial” (Discenna, 2010) about academic labor through what feminist philosopher Sara Ahmed calls “nonperformative speech acts.” Whereas most speech acts, like naming, promising, etc., are made with the intention of changing the social world, nonperformative speech acts are “institutional speech acts that do not bring into effect what they name” (Ahmed, 2021). While presented as a collaborative way for the university to reach consensus with its graduate workers, meet-and-confer is in reality a means of dispersing complaints while appearing to have addressed them by denying graduate assistants any status as workers.

Methods and Sources

In this history, I conducted my analysis of materials using the methodology of critical discourse analysis (Wodak, 2009). Through close reading and attention to semantic themes above the level of individual words, critical discourse analysts examine agonistic discourses to develop solutions to social problems. As a result, critical discourse analysis is particularly helpful for

challenging existing historical narratives (Achugar, 2017). In a very real sense, I'm writing about meet-and-confer's effect on graduate unionization in answer to the advice of labor oral historian Sven Lindqvist (1979) to "dig where you stand." This recommendation comes from his experience trying to overturn distorted institutional histories in business; often only people with personal knowledge or access to an institution can change licensed, official representations.

In this case, graduate union efforts at Maryland is not a history that has been told outside of campus newspaper coverage. Because of the regular turnover built into degree-granting institutions, students struggle to develop a collective memory distinct from the institution's. The high rate of out-of-state students also means that graduates are often unfamiliar with Maryland politics and the institution they have joined. The resulting public sphere presents enduring, deeply felt workplaces issues as if they are novel and fleeting.

To understand how recent history led to this current state, I have drawn on both formal and informal archives. The official testimony and documents of USM administration are the main object of my analysis. First, there are the working group records, legislative-session reports, and minutes recorded on the USM website itself. For example, official institutional stances are often articulated in public materials like the yearly End of Session Report by the USM Office of Government Relations. To supplement those results, I consulted the Maryland State Archives, which contain more complete records than the USM's website. For the actual operation of committees and working groups, however, records are scarce. Because I do not have access to private USM records and minutes, I can't make many claims about actors' intentions. For example, as far as I'm aware, there has never been a public statement by a legislator to explain exactly why GA collective-bargaining bills have died in committee. Instead, I'm interested in how the records employ rhetorical strategies and discourses of academic labor as well as the way the texts themselves socially represent GAs, administrators, and the overall functioning of the university.

Because institutional records and testimony are the primary source for this project, I wanted to use materials from student organizing and news coverage, as a counterbalance since I didn't want to take institutional accounts of the USM, UMD, and the state of higher education at face value. As a result, I look to news coverage in venues like the *Diamondback* and the *Baltimore Sun* to sketch a labor history of higher education in Maryland. I also conducted an informal interview with a former graduate organizer, and she provided me with a letter of dissent written by her and another GA who served on the workgroup that produced meet-and-confer, which plays a key part in my analysis of the 2009 report's rhetoric.

In the final part of this analysis, I look at how meet-and-confer is represented in later USM minutes and reports to understand how the 2009 report create the conditions that allowed dean Fetter's 2022 testimony against collective bargaining rights. I'll start with a brief chronology that those documents lie within and that I constructed from searching USM records on their website—unfortunately, the USM Student Council does not have a repository of their historical minutes.

Academic Unionization in the US

While union membership in the United States has declined since the early 20th century, unions still hold a prominent place in US politics. Recent drives toward unionizing workplaces run by logistics giant Amazon, coffee chain Starbucks, and grocer Trader Joe's have both reignited interest in organized labor and pointed out the deficiencies in national unions' strategy (Bohner, 2022). Their victories, however, have often been confined to employers in the private sector, even within higher education. Even then, academic organizing in the United States is an outlier, and

union efforts by university faculty and staff have been both more successful and more longer-lived. Graduate students only first began organizing as workers in 1969 (Parbudyal, Zinni, and MacLennan, 2006). Due to that short time span, academic research on graduate organizing has tended to focus on a handful of successful and provocative case studies, such as the United Auto Workers local for the University of California system and the Unite Here local at Yale University.

As jobs, graduate assistantships' ambiguous status comes from their changing place in graduate education. In the United States, higher education originated with private finishing schools for rich elites. Land-grant institutions were created in the 19th century and funded by stolen indigenous land, like UMD, established research and secondary education programs that had an explicit mission to provide education for the wider public (Lee and Ahtone, 2020). Public universities provided graduate training to skilled professionals (e.g., doctors) but higher education was still, overall, a rare part of American life, especially since institutions like the Maryland Agricultural College (later UMD) maintained strict racial exclusion policies long after court orders to desegregate (Berlin et al., 2009; Slaton, 2010).

In the 20th century, vast funds poured into basic research for the military and to support the Cold War caused higher education to balloon (Geiger, 1997). Suddenly, labs needed more students, more graduates to expand their research programs. Access to higher education increased across the country, and colleges became a place of aspirational labor. Many students sought to join the “professional–managerial class,” a well-compensated class of workers who enforce the extraction of surplus value from other workers but do not actually possess capital themselves (Ehrenreich and Ehrenreich, 1977). With the end of the Cold War, however, federal and state support for higher education began to retreat. In stepped that other US institution—the corporation. Suddenly, universities could turn to companies to endow research programs and chairs, to form public–private partnerships and business ventures (Newfield, 2010).

In the 21st century, public universities' adoption of neoliberal academic capitalism, combined with decreased state funding, has stymied labor on campuses (Kezar, DePaola, and Scott, 2019). Previously, public-university faculty and staff had been able to organize themselves without the benefits of collective bargaining, as they did at the University of Wisconsin (Cain and Wilkinson, 2019). In 1966, the American Association of University Professors (AAUP) released a statement advocating for the shared governance of universities by faculty and administrators; in 1988, AAUP clarified that unionization and collective bargaining could actually constitute a component of shared governance (American Association of University Professors, 1966, American Association of University Professors, 1988). Since then, “shared governance” has become a common model for university governance but without a shared understanding of what that means, universities create their own local definitions (Heaney, 2010). Because AAUP excluded staff from their proposal for shared governance, and only included students to the extent that participating in governance would serve as an “educational experience,” universities have often defined their model for shared governance excluding those classes of workers. Student inclusion should be encouraged, AAUP said, “within the limits of attainable effectiveness.”

In 1988, Maryland had followed national trends by centralizing its public university system, which gave its institutions greater autonomy from the state legislature (Berdahl, 2014). This also encouraged economic rationalization of those institutions and a greater towards the needs of businesses and the state economy, (e.g., in Maryland, Clinch and Gerlowski, 2002), as well as decreasing state tax allocations. With increased sway over higher education, corporations began to demand that universities refashion themselves to fit corporate needs—education focused on

employment, new governance structures, and general programs of neoliberal austerity (Neimark, 1998).

These changes included increased precarity for all kinds of academic labor. The number of tenured positions began to decline, and universities began to rely on cheaper, contingent adjunct and graduate assistant labor to make up the difference; between 2005 and 2015, the number of graduate workers increased by 16.7% and graduate workers and non-tenure-track faculty now comprise over 70% of academic labor positions (Dobbie and Robinson, 2008, Kroeger et al., 2018). A similar process is in action at UMD, which has 6.9% less tenure-track faculty than five years ago, 19% more contingent faculty, and 11% more graduate assistants (Tansill-Suddath, 2022). Globalization and U.S. demand for academic labor also drastically increased the number of international graduate workers and postdocs (Cantwell and Taylor, 2013), which created a new source of power for academic supervisors—the precarity of the visa.

Unionization at UMD

Although Maryland is not a “right to work” state, many public-sector workers in the state do not have a legal right to collective bargaining. Those public-sector workers that now have unions had to fight for them. Black Baltimorean teachers, nurses, and other municipal workers, energized by the civil rights movement, fought for unions in the 1960s (Berger, 2021). Even without the right to strike, Baltimore sanitation workers successfully struck in 1968, but by 1974, public-sectors unions faced strong political headwinds during a time of fiscal crisis and national unrest (Fox, 2024b).

Unionization at UMD—far from Baltimore and near the Washington, DC, metro region—still began with staff, not faculty or GAs (Fox, 2024b). In the 1960s and 1970s, staff organized to improve their working conditions and affiliated with a national union, the American Federation of State, County, and Municipal Employees (AFSCME). AFSCME had found a foothold in Maryland in the 1970s by organizing Baltimore nurses (e.g., Jablow, 1973) and condensed its interest in UMD staff after university hospital nurses disbanded their affiliation from the Hospital and Health Care Employees union (Burns, 1990). Meanwhile, less-militant, white-collar Maryland state employees gravitated towards the American Federation of Teachers (AFT); for example, the Classified Municipal Employees Association union first rejected an AFSCME affiliation in 1974 before voting to merge with AFT in a controversial unpublicized vote (Baltimore Sun 1974, Winternitz, 1980). (A nascent faculty unionization effort seems to have failed at that time as well [Bowler, 1973].) The two unions consolidated membership over time: AFSCME focusing on campus staff and medical workers, and AFT on community college faculty and office workers.

Because Maryland state law denied public employees collective bargaining, however, the unions had to rely either on militant action, such as wildcat strikes (Baltimore Sun, 1980), or institutional appeals and lawsuits, e.g., to address pay and workload inequality for women workers (Branham, 1983; Baltimore Sun, 1984). The consolidation of the University System of Maryland in 1988 was shortly followed by state budget cuts and widespread lay-offs of AFSCME workers (Tolland Callcott, 1988; Burns, 1991; LoLordo, 1991). Without recognition for most of their members and with those recognized lacking the right to strike, state employees were vulnerable to cost-cutting measures. Donna Edwards, AFSCME president of Council 92, summarized the public sentiment against state employees: “It is quite chic to beat up on government employees now,” (Wilson, 1996).

Rivalry between AFSCME, AFT, and remaining local unions also weakened labor's ability to secure favorable legislation. For AFSCME state employees' support of his 1995 campaign, newly elected Governor Parris Glendening issued an executive order granting most state employees collective bargaining rights in 1996. Campus employees were excluded, however, because the UMD Board of Regents oversaw them as a bargaining unit and negotiated to have them dropped from the executive order (Gosier, 1997). Yet, AFSCME secured its control over public unionization in Maryland at the expense of other local unions, through its alliance with Glendening (Dresser, 1999). They secured the expansion of public collective bargaining rights, but their attempt to instate an agency fee that would have deducted dues from every state employees' pay check was killed in committee by local union Maryland Classified Employees Association and its conservative allies (Dresser, 1999a); Glendenning's attempt at patronage was criticized in the press (e.g., Jones, 1999).

AFSCME university staff wouldn't receive higher-ed collective bargaining rights until 2001, but graduates and adjuncts had already begun organizing in 1999 as Graduates, Adjuncts, Lecturers Organized Labor (GALOL). Already, the prototype for Dean Fetter's 2022 testimony is present. Responding to critiques about insufficient stipends, unfair pay differentials, and a lack of recognition, university spokesman George Cathcart denied the need for collective bargaining: "We would rather work with the graduates so that they can avoid having to form a collective bargaining unit," he said (Barbera, 1999). English graduate student Geoff Schramm rebutted that Cathcart's proposal could only address short-term graduate problems and that collective bargaining was a long-term solution. A trailing note mentions that this nascent adjunct union was unofficially supported by AFT.

Early the next year, a labor coalition across staff and graduate workers was already present on campus. The adjuncts and graduate workers in GALOL cooperated with both AFSCME and AFT to introduce a state senate bill that would allow them to collectively bargain (Miller, 2000a). With training from an AFT organizer, all the grads "had to do was talk to senators and get their points across." Alongside emails and petitioning on campus, lobbying legislators seemed to be the main, early tactic of GALOL. The first GALOL campaign failed, however: "Our time is coming in. If we don't get it this year, we'll get it next year," GALOL president Daniela Garofolo said (Miller, 2000b). That fall, news of the November 2 landmark National Labor Relations Board ruling at New York University that graduate assistants at private universities have the same rights as other workers must have made change seem even more imminent (Associated Press, 2000).

The very next day, GALOL and AFSCME announced their plans to propose a unified bill that would grant collective bargaining rights to all university employees (London, 2000). With the beginning of the legislative session in the spring of 2001, however, the USM moved to support AFSCME's Senate bill granting collective bargaining to staff but not faculty or graduate assistants. The Board of Regents voted in favor, and AFSCME staff were finally recognized by the university. The grads, however, remained tied to AFT and a narrative of their inevitable success: "It's going to be increasingly difficult for the university to make the case that we're not employees," GALOL co-chair Ed Martini told the campus newspaper. With the next year and the election of a conservative governor, Robert Ehrlich, GALOL's moment of opportunity closed (Funderburk, 2002). Despite securing the support the UMD Graduate Student Government, GALOL declined—their last official campaign occurred in 2003.

The Workgroup and Its Findings

The UMD Graduate Student Government, in turn, began considering unionization (DBK Editorial Board, 2012). The USM, however, made its own arrangements. Following the 2008 financial crisis, Maryland legislators Norman H. Conway and Ulysses Currie demanded that the USM investigate “measures to improve the status of graduate assistants and adjunct faculty at public higher education institutions” (University System of Maryland, 2009). The Maryland General Assembly 2010 budget bill, passed in the spring of 2009, mandated that the USM create a taskforce and produce a report on GAs and adjunct faculty. That bill set the conditions for the makeup of the membership (i.e., the number of administrators, GAs, labor representatives, etc.) of the 2009 taskforce and required USM to submit their report by November 2009. Lead by USM Vice Chancellor Joe Vivona, the taskforce comprised eight university administrators, four state officials, two lawyers, two adjuncts, and two graduate assistants.

The report is extensive but reflects its heavy bias towards university administrative staff. Echoes of Dean Fetter’s later rhetorical strategies are already present. In the document’s findings on the role of graduate students, a declarative, neutral voice reports, “[S]tudents are not ‘hired’ through an employment process or for particular job-related skills in any conventional sense of the word.” In some cases, framing devices equate institutional opinions with official findings, e.g., “Institution officials further explained to the Workgroup...” In other cases, the graduate assistants’ opinions are raised early in a section, only to be rejected as unimportant in comparison to other institutional priorities. In the discussion on collective bargaining, for example, where “for some members of the Workgroup, collective bargaining presented a desirable option,” but “other Workgroup members concluded that campus and USM shared governance systems are generally effective.” (Note the obfuscation through general descriptions.)

In my reading of the workgroup report, I tried to pay close attention to places where possibilities are written off as impractical or undesirable (e.g., “[university administrators] assert that any measures that might sever [advisor–advisee links], however well-intended, will harm graduate education at the institution”). Similarly, their predictions about the cause and effect of particular actions are taken to be sound, which shapes what appears to be pragmatic at a given moment of time. This entire process is then inscribed into a report that makes all of the hypothesizing about future effects, the doubts about alternatives, and the bottom-line priorities of the institution into a social reality.

We can also understand the mechanisms of the workgroup report by looking at how different kinds of knowledge are measured and valued in its language. In this approach, I’m thinking of Michelle Murphy’s writing on “regimes of perceptibility,” which she defines as “regular and sedimented contours of perception and imperception produced within a disciplinary or epistemological tradition” (Murphy, 2006). This is a theory she developed to describe the destructive relationship between competing epistemologies, in her case social surveys created by women office workers to create recognition of and compensation for indeterminate sicknesses created by modern office environments versus corporate toxicology studies.

The final USM report on GAs and adjuncts gives the impression that managers and “institutional representatives” have equal, if not more prominent, expertise on the working conditions of graduate assistants and adjunct faculty than those workers themselves. The fact-finding process described in the report states that only institutional representatives were consulted to create the “ground truth” that the taskforce would work from:

The Workgroup first met to review data, policies and other information provided by the institutions, largely obtained through detailed surveys to which every institution regarding the roles, numbers, economic benefits, due process rights and working conditions of graduate assistants and adjunct faculty, as well as concerns raised by these groups and recent measures taken by the institutions to address their needs. (University System of Maryland, 2009, p. 3)

In contrast, GAs merely provided the impetus for the report with their “concerns”—a term that implies a lack of underlying substance. This kind of elision between institutional stances and reality appears often in USM documents. (For example, a recent Council of University System Faculty minutes [2019] reported that “It remains the position of USM that faculty have meet and confer privileges. They do not want collective bargaining.”)

The graduate workers on the workgroup framed their problems in terms of dignity and mistreatment while administrators looked at the issue through the lens of institutional economics. We can see these conflicting ways of understanding the same issue by looking at the report’s language on the economic conditions of GAs, where GA “concerns” don’t even make it out of the initial framing of the problem unchallenged:

Graduate students addressing the Workgroup expressed the concern that stipends are low, relative to the cost of living in Maryland. They also cited as economic concerns the financial uncertainty that arises without multi-year assistantship commitments and the dearth of affordable graduate student housing.

However, the ability of institutions to increase graduate assistants stipends is dependent on the sources of funding for these positions. [...] Graduate assistant funding is unpredictable and must compete with other important institutional and academic department priorities and can be severely constrained when economic conditions are difficulty. (University System of Maryland, 2009, p. 9)

In this way, (perceived) institutional inability is taken as invalidating GA concerns. In fact, GAs’ argument about low stipends relative to cost-of-living is discounted in the final recommendations of the report. Rather than making any active recommendation to address GA concerns, the report says that:

Each institution should undertake a study of the economic benefits received by its graduate assistants (including stipends, tuition assistance, and other benefits), as compared to an appropriate group of peer institutions for the current academic year. If those benefits do not compare favorably to peers (i.e., at least at the fiftieth percentile, adjusted for geographic differences), the institution should calculate the amount required to achieve comparability. (University System of Maryland, 2009, p. 15)

Why wasn’t this information part of the initial fact-finding process for the workgroup? I also note that the concrete institutional response here is to calculate the discrepancy between itself and its peers. There is no mention made of remedying that discrepancy.

This report was delivered to the Maryland legislature and then used to justify the formation of an alternative to collective bargaining, a “meet and confer” process. In fact, the two GAs on the taskforce authored a dissenting letter, which they also delivered to the legislature. In it, they document how they “were presented with and asked to endorse a report that not only failed to

represent our beliefs, but may potentially damage the ability of graduate assistants and adjunct faculty to organize in the future.” In this letter, the GAs clarify that the USM members of the taskforce forced the 2009 report’s criticism of collective bargaining:

At the heart of our dissent to the Report is the implication (by the conspicuous absence of language to the alternative) that the final recommendations represent the unanimous opinion of the Workgroup’s members. To the contrary, the Report was drafted entirely by Chairman Vivona and USM staff.

While this dissent was made public, it does not seem to have been heard. Instead, as GAs began to organize themselves into the United Academics of Maryland, the USM began to consolidate its self-made findings into policy.

Circulation and Sedimentation into Policy

While the taskforce report itself does not use the words “meet-and-confer,” it set the stage for how the term is currently used and practiced by USM institutions. Notably, the report waffled on the issue of collective bargaining for graduate assistants and adjunct faculty. Its descriptions acknowledged the benefits of collective bargaining described by university unions, labor lawyers, and the USM’s own graduate assistants and weighed them as equal in balance against the concerns of USM administrators that collective bargaining would ruin advisor–advisee relationships, complicate administration, and disrupt graduate students’ education.

The 2009 report was submitted at the end of October, just before the deadline. Its first USM mention is in the December minutes of the Council of University System Staff (CUSS). Those minutes just describe the report’s context and add that the entire discussion was brought up as “a grassroots issue” related to maternity leave. In the same document, the staff discuss their views of collective bargaining for themselves and the fact that most CUSS members are supervisors and, therefore, not representative of most staff. The next discussion is almost a year later, in November 2010. The USM Board of Regents (BoR) proposed a modification to the USM policy on graduate assistantships. That proposal emphasizes that the 2009 report was created with input from institutional administrators, faculty, and “graduate assistant representatives” and was then reviewed by the broader USM community. The proposal describes the policy as establishing minimum standards for grievance procedures, stipends, and working conditions; there is no mention of meet-and-confer, and the adopted policy does not outline a “meet-and-confer” process.

The issue then slips out of the USM record until a 2012 “Implementation Proposal: ‘Meet and Confer’ Process for Adjunct Faculty and Graduate Assistants at USM Institutions.” In the spring of 2012, the Council of University System Faculty discuss the proposal for a “meet and confer” process, which is presented by USM Vice Chancellor of Administration and Finance and workgroup leader Joe Vivona. The notes say that this is, tortuously, “the beginning of the process to determine the process.” Vivona is quoted as noting the oddity of the USM’s adoption of some form of meet-and-confer, since “this process has often been initiated by executive order or by legislation.” Instead, Maryland meet-and-confer was developed by the USM itself, “in consultation with the Governor’s office and several legislators.” Vivona says more graduate and community input will be sought, to help the issue “coalesce.” In their questioning, faculty seemed to have focused on their own collective-bargaining status and outlining where adjuncts will fit within meet-and-confer. The results of that conversation were then reported to the BoR and the University Senate in April 2012.

From that point on, “meet-and-confer” is presented as a concession to graduate assistants and adjuncts that would recreate the process of collective bargaining, minus any contract negotiation that would bind USM institutions to abide by its promises to academic workers. Shortly after the codification of “meet-and-confer,” USM reached an agreement with AFT, who had previously been organizing graduate workers at the University of Maryland. A bill that had been proposed to grant graduate assistants collective bargaining rights was pulled from the legislature, collapsing the support that United Academics of Maryland had been able to secure up until that point.

We can start to see how the findings of the 2009 report are being turned to negate the possibility for collective bargaining—a plan and specific policy proposals are being made, even though the report’s findings are acknowledged as inconclusive. Feedback will still be solicited, so any objections to the current proposal appear to be addressed. The CUSF minutes say that Vivona stressed that this plan was created with “some indirect interaction with the American Federation of Teachers,” not direct collaboration. Only four days before this meeting, the UMD *Diamondback* published a staff editorial excoriating AFT for going behind graduate organizers’ backs to have the graduate collective-bargaining bill pulled from the Maryland state legislature. The *Diamondback* editorial board makes the link explicit:

It seems University System of Maryland officials became nervous [truthful testimonies] would embarrass the university, so they struck a deal with Gov. Martin O’Malley: If the state pulled the Senate bill [...] the system would agree to offer graduate assistants and adjunct professors a watered-down form of collective bargaining known as meet and confer. [...] O’Malley then brought in AFT Secretary-Treasurer Lorretta Johnson, who has a long-standing professional relationship with the governor. Johnson then went back and forth with state officials on the document’s language [...] until all three parties agreed on the current meet and confer agreement. (DBK Editorial Board, 2012)

Without additional documentation, it’s hard to know how far Vivona was knowingly bending the truth when he spoke with CUSF that spring. It’s also hard to know what other bargaining chips might have been involved in this negotiation, if any. But with a deal brokered with AFT by the Governor’s Office, both the institutions of the USM and AFT could claim to have had nothing to do with one another. In June, the BoR considers the proposal to adopt meet-and-confer and again alter the USM policy on assistantships. At this point, the policy simply lays out the meet-and-confer process: that GAs should have a way to “communicate their concerns” and “provide advice” to administrators. This is defined as the creation of a new shared governance body that can meet with administrators at least twice a year. It is specified in this proposal that “The institution will give serious consideration to the information, views, and suggestions gained from the meet and confer process.” “Serious consideration” is not defined. Where the 2009 report never made a recommendation for “meet and confer,” it was suddenly used as if it did—when the possibility of graduate collective bargaining was highest.

The loop is closed by a 2013 report to the Maryland legislature, in which the creation of meet-and-confer is described by Chancellor William E. Kirwan as a fulfillment of the USM’s obligations to improve the conditions of GAs and adjuncts. According to this report, all USM GAs now enjoyed “institution-wide standards for paid time away from duty and sick/emergency leave,” “standard appointment letters,” “formal grievance and appeal mechanisms,” and “more favorable

periods of notice of appointments, decisions regarding appointment renewals, and teaching assignments.” In Kirwan’s report, he describes the creation of meet-and-confer:

[S]ome graduate assistants and adjunct faculty on some campuses expressed the desire to have a union or other organization represent them in those discussions. After long deliberations, and in consultation with the Governor’s Office, the USM developed a Meet and Confer process as the means for institutions to honor that request.

(Note the “somes.”) This is the moment where UMD starts to perform what Sarah Ahmed (2021) refers to as a “nonperformative” speech act—institutional declarations that “do not bring into effect what they name.” In this case, meet-and-confer is not unionization but it is presented as its equivalent. The role of AFT is removed from institutional memory; and the fact that the exact process was created against and at the expense of a bill proposed by GAs themselves is also elided. Turning their efforts toward establishing the “Graduate Assistant Advisory Committees” described by meet-and-confer, USM GAs would not propose another collective-bargaining bill until 2017.

While meet-and-confer was created by the USM BoR, the workgroup and its administrators had academic backgrounds. Their maneuvering in institutional politics reflected the political options available to scientific projects. Namely, scientists often claim to “speak for” the objects of their study (Callon, 1984). The workgroup underwent a similar process to arrive at its recommended conclusions—it sought representatives from every group on campus, defined their roles and purposes within the workgroup, arrived at shared definitions as best as possible, conducted fact-finding, and then wrote their report based on its authors’ understanding of that process. Reports like these then become the social facts that institutions take for granted, and work from as common assumptions. The careful control USM officials exerted over the course of the workgroup, from the agenda to the write-up of its findings, allowed them both to create a document that would advance their arguments but it also would prevent anyone else from investigating *how* they represented the workgroup. An institutional report becomes the ultimate nonperformative speech act, conducted with a whole set of actors and set dressings.

To understand the rhetorical force the report exerted throughout this process, I believe the USM used its ability to claim “representivity” for all of the actors involved in this struggle (Callon, 1984). The workgroup sought representatives from every group on campus, defined their roles and purposes within the workgroup, arrived at shared definitions as best as possible, conducted fact-finding, and then wrote their report based on its authors’ understanding of that process. Reports like these then become the social facts that institutions take for granted, and work from as common assumptions. The careful control USM officials exerted over the course of the workgroup, from the agenda to the write-up of its findings, allowed them both to create a document that would advance their arguments but it also would prevent anyone else from investigating *how* they represented the workgroup. An institutional report becomes the ultimate nonperformative speech act, conducted with a whole set of actors and set dressings.

From 2018 to the present day, USM administrators have continued to testify in the Maryland state legislature about the benefits of “meet-and-confer.” Meanwhile, those same administrators have denied graduate assistants’ right to a living wage; their right to parental leave comparable to faculty and staff; the state of poor mental health among graduate assistants; lack of meaningful grievance policies; and toxic lab cultures that lead to overwork, among others.

Meet-and-confer is now an opportunity for GAs to solicit the help of a labor organization, without being able to offer that organization anything in return—the meet-and-confer policy for GAs to secure union representation essentially require GAs to complete a full card-check election at their campus, without being able to promise any national union that they could negotiate for a contract that would specify, for example, dues. As an example of how these policies are currently implemented at USM institutions, UMD dean Steven Fetter replied to a September 2022 email where GAs engaged in meet-and-confer asked whether the UMD Graduate School could commit to guaranteeing standardized GA appointment letters:

The Graduate School provides a GA appointment letter template and guidance on its webpage <<https://gradschool.umd.edu/forms>>. We reviewed the template in light of GAAC's previous comments, and we the template [sic] includes links to the information requested. We encourage units to use this template and to customize it as appropriate for their unit and the type of appointment, but ultimately appointment letters are the responsibility of the unit making the GA appointment. The Graduate School does not have the ability to monitor or review the appointment letters for 4300 GAs over more than 100 units.

Where meet-and-confer was allegedly created as a means to address “student concerns,” it has become a way to displace their requests onto other institutional bodies (here, departments) while maintaining that those concerns have been addressed to wider bodies (there, the legislature). The USM administrators took advantage of the different knowledge and experiences of those two publics to broker conditions to their advantage.

Conclusion

Since this history was first written in the fall of 2022, UMD graduate workers launched a union drive with the support of United Auto Workers (Allen, 2023). In public statements intended to dissuade the drive and prevent the passage of a collective bargaining bill, the new dean of the graduate school pointed to a single concession to graduate workers' meet-and-confer he had made that spring: 8 weeks of paid parental leave for graduate workers (Gauntt, 2024). He claimed that this new policy was an example of how much more nimble meet-and-confer is than collective bargaining—UMD graduate labor organizers had been fighting for paid parental leave for more than ten years, but no one at the university or in the legislature had the institutional memory and position required to publicly challenge that claim.

Thinking back to how meet-and-confer was constructed, we can see how Ahmed's nonperformative speech acts are built across many years and actors. Later institutional representatives do not know of the promises and intentions of their predecessor, which helps them to represent broken promises as fulfilled. In this case, the strange status of meet-and-confer—a concession, but not to bargain—helps to solidify the strange status of GAs themselves as academic workers. Academic unions like the University of Wisconsin Teachers Union have been able to pressure their employers to make workplace concessions without a legal contract (Cain and Wilkinson, 2019). But meet-and-confer at UMD served as a safety valve for graduate organizing efforts for almost a decade.

Through this analysis, I've shown how public administrators have used the principle of shared governance and their institutional power to prevent graduate assistants from securing the right to bargain over working conditions. Administrators, in text, solidify their identification with the institution they work for, as a key part of their rhetoric. They present themselves as more able

to represent and speak for the interest of academic workers than elected representatives of the workers themselves. Ironically, in arguing that their voices alone can adequately represent the USM, the administrators hurt members of the very institution they claim to serve.

I want to close by considering my findings within the context of the small field of agnotology, the study of ignorance. I believe ignorance is another source of the 2009 report's power. Who would suspect that an institution of learning would weaponize ignorance? Sparked by developments in the sociology and history of knowledge, scholars have attempted to theorize ignorance as not just the absence of knowledge but a productive force of its own (Croissant, 2014). Ignorance itself isn't always a social wrong; many organizations make careful use of ignorance and forgetting in order to function (e.g., Bowker, 1997). But I make the comparison here because the ultimate product of meet-and-confer is confusion and ignorance—who represents GAs as workers, when their university embraces academic discourses of denial?

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