



Concept Paper

Only We Can Protect Us: Labor and Anti-Harassment Organizing within the Neoliberal University

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Abstract: This special issue has called for scholars to critically evaluate how we can better connect with community activists to address gender-based violence (GBV). We seek to complicate this by instead positing the following: scholars and community activists should be one in the same. The authors reflect on their experiences combining their anti-GBV and labor organizing to take on the neoliberal university. We detail our experiences organizing graduate workers around anti-harassment and discrimination, what we have learned, and make recommendations to other scholar-activists working in their communities. We end with a toolkit that is meant to be widely produced and shared within the community for a helpful guide to work towards direct actions to address gender-based violence.

Keywords: sexual harassment; labor organizing; toolkit; scholar-activist



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1. Introduction

Connecting labor issues, particularly under capitalism, to issues of gender-based violence (GBV) has been addressed in sociology by scholars and activists like Angela Davis (Davis 1981). The authors of this paper have used the foundational work of Davis and other Black feminist scholar-organizers to show how labor and sexual harassment connect in the academy with the sexual harassment experiences of graduate workers (O'Callaghan et al. 2021). This special issue calls for academics and community activists to work together on issues of gender-based violence with a sociological understanding of the structures of power. In response to this call, we ask this: why are academics and community activists mutually exclusive groups? Are academics not a part of the community? Moreover, who better understands sociological structures of power than community activists? In our paper, we detail how both authors, as both scholars *and* activists, formulated action around the sexual harassment and discrimination of graduate workers during their time in graduate school. We argue that our activism is what informed our scholarship, not the other way around, and that academics must be an integral part of community organizing and community action to engage in meaningful and responsive scholarship as well as broader social change.

The dichotomizing of scholar and activist, and critique of such dichotomy, is not new to the broader discourse of the role of academia and its place in society. This is especially true when we listen to predominantly Black, Native, Latinx, queer, and disabled scholar-activists, given that, more often than not, they do not have the privilege of dichotomizing their lived experiences into something they are taught vs. something they have lived. For many in the academy who also prioritize organizing work within their communities¹, the personal is political. As scholar-activists we recognize our own privilege of being white, educated, able-bodied, and generally inhabiting positions of relative power. Therefore, we acknowledge that our understandings of certain power structures are ones that have been taught; however, we also recognize that some experiences are ones that we have *lived*. Both

of us have had experiences that cannot and should not be divorced from our academic experience and have been how we see ourselves as experts in this area. Specifically, the intersection of labor exploitation and gendered violence became salient to us, not because we learned about these structures of power in our graduate curriculum, but rather we went through the power struggle as scholars, survivors, activists, organizers, and labor leaders.

Because of our lived experiences, we came to recognize that the performance measures of academia were not suitable for the type of struggle we were engaged in. Publishing papers, giving poorly attended conference talks at our field's annual meeting, and religiously adding lines to our CVs quickly lost its luster. We recognize that to survive in the academic setting, given the realities of capitalism and the necessity of work, we must continue to engage in these efforts. However, are we solely doing this particular work in order to push forward scholarship that will be read by the most privileged in the ivory tower? No. In fact, we hope that this writing in particular will provide others within academic and activist spaces with solidarity, advice, and an example of how we are attempting to engage in meaningful resistance. If this is not the goal of all academic writing (and we of course know that it is not), then the dichotomy made between "scholar" and "activist" may be an explanation.

In what follows, we detail a history of how we, the authors, have personally embodied both the activist and the scholar roles within our graduate institution. Through our experiences, both struggles and successes, we have developed a "how-to" guide for how to connect and engage in issues of both labor and gender-based violence activism on campus. This guide should be taken as an example of how the connections were made by us through on-the-ground organizing and helped to inform our future scholarship, but also know that this guide could be used as an inspiration template for connecting other structural issues and organizing opportunities. Because the focus of the special issue is on connecting the scholar and activist roles, we provide a downloadable toolkit in the supplementary materials that has been used in our own organizing work and can be directly used or used as inspiration for future similarly oriented work by other scholar-activists.

2. Our History and Context

Prior to graduate school, both authors were extensively involved in anti-gender-based violence, organizing and working with survivors directly on the ground in the United States. One author (O'Callaghan) was focused on supporting survivors through volunteering with non-profits, serving sexual violence survivors and helping with organizing Take Back the Night events. During this time, there was much conversation around campus sexual violence and the refusal of universities to appropriately respond to campus sexual violence. Also during this time, a buildup of the apparatus and systems that respond and address campus gender-based violence was primarily started through federal Title IX legislation and interpretation of that law. Title IX prohibits sex-based discrimination in education, and under this law, reforms that began during the Obama administration used this federal law to require campuses to respond to gender-based violence on campus and led to the proliferation of campus Title IX offices. These offices are required on any campus that receives federal funding from the Department of Education, and these are the offices that are tasked with investigating any report of sexual violence, harassment, and discrimination. During that time, many of the reforms from the Obama administration were being pushed out, but at the expense of grassroots organizing efforts that existed on my (O'Callaghan) undergraduate campus. A peer survivor group was dismantled due to concerns about conflicts with mandatory reporting policy (Coleman 2015). A couple of years later, an investigation showed that this campus failed to tell the campus about dozens of sexual assaults that had happened to students during the time that these reforms were being implemented (Bolte 2021). Early on, I (O'Callaghan) understood the importance of organizing and how the institutions we were trying to reform were not interested in our protection—thus making reform efforts moot.

The other author (Shepp) worked at a domestic violence and sexual assault agency for several years, first as a case manager and then transitioning into the role of supervisor of the education department, where I (Shepp) developed and implemented a comprehensive primary prevention program at the local university. As a case manager, I was responsible for intake, crisis intervention, restraining order and court preparation and accompaniment, police advocacy, sexual assault forensic examination accompaniment and advocacy, housing advocacy, shelter entry, and many other tasks. The transition to the education department transpired for several reasons, the primary reason being the strain and lack of capacity I felt to structurally address the myriad harms I bore witness to day after day. With a shift in focus, I gained a new perspective on the direct client care labor being performed by others at the agency and more broadly began engaging in a more structural critique and analysis of responses to gendered violence. With this new perspective, I set my sights on graduate school, where I felt I could expand this analysis and bring my own experiences to better inform the academy of on-the-ground survivor support services.

The two authors met in our graduate program and were roped into joining the graduate worker union by an older student comrade of ours—and thus began our induction into labor organizing. In March of 2019, the labor union that both authors were members of went on a nearly 3-week strike for better contracts. During that strike, we worked with our fellow graduate workers to withhold our labor, which was integral to the maintenance of the neoliberal university system, to push for better wages, a reduction in student fee costs, and transparent hiring processes. Our strike was successful: we won the best raise we had won in the history of our union, the formation of a task force designed to create guidelines on how departments make hiring decisions, and made a dent in the enormous amount of fees that we paid. During this strike, both authors became adept at community organizing and making the connections between our research on gender-based violence and labor issues. Not only were we active participants in the strike, we were also leaders, both in the context of the democratically elected leadership committee prior to the strike and as picket captains during. After the strike, we knew we needed to include more work around anti-discrimination and anti-harassment within our union and make the sexual harassment and discrimination experiences of graduate workers a *labor* issue. We had suspected that problems with harassment and discrimination were widely experienced by graduate workers, but that the systems in place to address them (e.g., our university's Title IX office) were at the very least woefully inadequate, if not downright harmful.

Two months after the strike, we put out a call to our membership to ask if any graduate workers had experiences reporting sexual harassment or discrimination to the Title IX office and what they thought about that experience. We heard from over a dozen members who were willing to talk with us about their experiences. The majority of them had awful experiences reporting and said that it added to the trauma they had already experienced. Given our expertise as sexual violence scholars, we suspected that this was the case, but the stories we heard showed us the urgency that something needed to be done, and that something was not going to be trying to reform existing structures like the Title IX office. We needed to organize around something else.

Next year, both of us remained on the union leadership committee in different positions, and we decided to form a working group directly related to the issues of graduate workers who had experienced sexual harassment and discrimination. This working group was established because of both personal experiences of harm as well as from gaps in organizing efforts we became aware of during our contract negotiations and subsequent strike. A few of the workers who had shared their experiences decided to join, in addition to other allies. Over the next year, we formulated a few plans: the first was to draft a social media awareness campaign, as we had identified that the experiences of graduate workers were largely invisible when discussing campus gender-based violence. We also wanted the union to be clearly identified as a resource for survivors, which had not necessarily been clear previously. Examples of the flyers we created for our social media awareness campaign are in the toolkit in Supplementary Materials. Second, the working group decided

to create a resource list that was put on the union website—again showing that the union is a place for survivors to go that is a safe space for them to seek help. We also wanted to be intentional about creating a resource list that did not include any university-specific systems, besides the campus advocacy network, which had been identified as a helpful resource for workers who had experienced harassment or discrimination.

Lastly, the working group prioritized new contract language that we would use in negotiations for our new contract. Specifically, we wanted more protections in our labor contract because we knew all too well that the university did not care about our protection, as evidenced by our survey of survivors and our own personal experiences. In addition to working group suggestions, I (O'Callaghan) worked with the Campus Advocacy Network on campus to see how we could standardize some of the individual advocacy work that they had done for graduate workers, in particular in our contract language. Our working group and the union also looked to the contracts of other graduate worker unions that had been successful at addressing discrimination and harassment (e.g., Georgetown University, University of California systems, and University of Connecticut), and I (O'Callaghan) had conversations with union leaders there about their success and advice. For changes in our labor contract, we focused on several key elements: (1) expanded definitions of discrimination and harassment, particularly given the fact that Secretary DeVos had narrowed definitions of discrimination and harassment in 2020; (2) guaranteed workplace accommodations for workers experiencing harassment and discrimination (e.g., changing work schedule, moving offices); (3) have the union be more of a presence in investigations of graduate worker complaints; and (4) reduce the stranglehold that mandatory reporting/responsible employee designations have on the ability of graduate workers to seek informal social support. We worked together with members of the working group to start making drafts of the proposed contract language we would introduce in our next contract negotiations, of which the two members would be on the bargaining team elected by the membership to draft contract proposals and engage with the bosses (university administration) when contract negotiations begin.

Our union's contract negotiations began in March of 2021, two years after the authors had gone on strike and one year into a global pandemic. A big piece of these negotiations was the non-discrimination and anti-harassment contract proposals that we had written with our working group. Contract negotiations dragged on for a year, which ultimately led to a second strike with our labor union. This strike lasted for 6 days and, among other wins, like increased pay, more parental leave and sick time, and lowered fee costs, we also made huge gains with protections against anti-harassment and non-discrimination. While our original proposal was not accepted (it rarely is), we were able to get increased protections for workers in several areas (for a full look at our final contract language, see Appendices A and B). These protections include the right to request accommodations and a right to file an appeal if an accommodation is denied, allowing union representation in any Title IX-related process, a definition and condemnation of workplace bullying and harassment not limited to sexual harassment (which was not included prior), and protection of pay for workers who receive accommodation. There is still more fighting and work to be done, but what we were able to secure was protections for workers without putting more power into the hands of the university, which is key in resisting the neoliberal model of higher education and a space that largely does not care to address harassment, discrimination, or violence.

3. What We Learned

After nearly 5 years of organizing around issues of labor, sexual harassment, and discrimination, there have been a few key takeaways that we feel are important to share. One is that we did not accomplish what we did on our own—it took the collective power of our graduate worker union to perform a work stoppage to force the university's hand. So much can be accomplished when you're willing to organize and engage in direct action in direct resistance to the university. Something else we discovered in our fight for workplace

protections was just how important it was that graduate workers are the ones who oversee the policies that will shape their experiences. We were not, as scholars, coming in as “saviors”; we were directly involved in the struggle and ensuring that those who are impacted by these policies are the ones drafting the changes. It is vital that we do not, as scholars, situate ourselves on the outside of this struggle as passive observers; our only choice is to be directly involved and integrated in on-the-ground organizing for change.

Furthermore, it had been clear from our strike in 2019 that the university was not interested in addressing the precarity and exploitation we experienced as underpaid workers, largely because they greatly benefitted from this exploitation. What became even more clear to us was that this lack of care for us extended to the violence we experienced at work. We first introduced our proposal around non-discrimination and anti-harassment seven months before we finally settled on the contract language. A university that was interested in our protection would not have taken 7 months to agree to even a fraction of what we needed to feel safe. The authors were aware that this was the case, but to see it on a scale where our humanity was continuously denied week after week was brutal and was evidence of institutional betrayal on a massive scale (Smith and Freyd 2014). However, knowing ahead of time not to look for validation from our institution, and to find solidarity with our colleagues instead, was helpful especially in these particularly brutal days. We learned to seek support from our community and collectively recognized that we won what we were able to accomplish together, not alone.

Finally, it is important to note that our learning and organizing does not cease with this article and subsequent toolkit. While we saw many successes, we also learned about policies that are so entrenched that require even greater action and more organizing. For example, we were unable to do much at chipping away at responsible employee designations/mandatory reporting policies and the power they hold over survivors’ ability to seek informal support. This is likely because this issue is not solely a campus issue—it requires a dismantling of US federal policy and a broader reckoning of how carceral praxis has “creeped” into our higher education spaces (Kim 2020; see Shepp et al. 2023 for a comprehensive theoretical framework for understanding the intersection of campus gender-based violence and carceral praxis/creep (i.e., *campus control*)). We did what we could to set up the union as that informal and formal support source for graduate workers, but we are still learning how we can better circumvent carceral policies like mandatory reporting. There is more work to be done.

4. Fighting the Neoliberal University: A How-to Guide

“The master’s tools will never dismantle the master’s house” (Lorde 1984). For workers within higher education to be free from violence and discrimination, we must not look to the university to save us. What we showed in organizing against sexual harassment and discrimination of graduate workers is that the university is actively committed to upholding the structures that produce sexual harassment and discrimination. Thus, as activist-scholars, we must always be prepared to organize against the institution that is complicit and active in its oppression and suppression of meaningful resistance. We take our cues from the work of Black feminist scholars and organizers who have warned us for decades that institutions benefit from our oppression and so we must organize within our communities and apart from these institutions. As Audre Lorde (1984) continues in her essay:

As women, we have been taught either to ignore our differences, or to view them as causes for separation and suspicion rather than as forces for change. Without community there is no liberation, only the most vulnerable and temporary armistice between an individual and her oppression. But community must not mean a shedding of our differences, nor the pathetic pretense that these differences do not exist.

Lorde’s words are often quoted to critique oppressive structures while also attending to the issue that reformatory measures often end up strengthening the very structures that the

intervention sought to address. Although this is the intended purpose of Lorde's powerful words, this point is sometimes not taken to its logical conclusion. Specifically, we want to emphasize that Lorde's words necessitate both systemic and structural change. Speaking about the academy as it currently exists means that the academy and the individual institutions that uphold this hierarchy must be challenged. For those of us working in academia as professors, researchers, instructors, graduate employees, and undergraduate workers, this means that we must reckon with the fact that our institution of our work is one that upholds and was built on oppressive and harmful structures including racial capitalism, class division, exploitative working conditions, and disparate power relations through the racial, gender, and class hierarchy. Scholars and activists alike have challenged not only the historical foundations of the university but also have challenged its modern iterations, calling for creative imaginaries to explore what a "decarcerated university" may look like, and Lorde's words require such creative imaginaries (Harney and Moten 2013).

Therefore, this article should serve as a reminder to those of us who work within the academy: we, too, should hold ourselves responsible for strengthening this institution from the inside. We must reckon with our role as producers of knowledge within the ivory tower and understand that if we are to actually dismantle the dichotomy of "scholar" and "activist" then we must be willing to do what is required of us to create an equitable space of knowledge production and education. With this critique of the institution and our role in upholding harmful structures in mind, we have developed recommendations on how to meaningfully collapse the dichotomy of "scholar" and "activist" and engage in necessary activism and resistance, especially within the academic setting. These recommendations and the subsequent toolkit should be understood as an example of how two scholar-activists have made sense of their own experiences of harm, their own complicity within the academy, and what was successful in their own organizing efforts. These recommendations may serve as a template for your own organizing efforts or as a discussion guide for establishing an organizing strategy.

First, we recommend focusing efforts on organizing those in the community, rather than putting effort into university-led initiatives to "stop" harassment and discrimination. As higher education has become more corporatized and neoliberal in its policies, the focus has become less on attending to knowledge production and education and more on brand management and profit (Shepp et al. 2023). University-led initiatives, often taking the form of separate offices and funding streams for special interest issues (e.g., hiring administrative roles added for DEI vs. hiring, retaining, and supporting faculty of color), have become the norm within the neoliberal academy. These practices are akin to the slashing of social welfare and reliance on nonprofits and philanthropic efforts to address poverty and violence (INCITE! 2007). The university is adept at individualizing sexual harassment and discrimination, never acknowledging the systemic nature of the issue and relying on "Band-Aid" fixes. We must not support any initiative that seeks to individualize systemic problems. Therefore, we believe that we must organize with those who are most likely to experience discrimination and harassment and center their experiences. Prioritizing survivor voices and guidance is a key first step to identifying what ways our community wants to address this workplace-related violence. Ensuring that survivors at the margins are the key voices and leaders of these community-based movements is also very important. In our years of labor organizing, the experiences of international graduate workers were always at the forefront of our platforms and what we were fighting for, both because union members who were international workers were also union leaders and understanding vulnerabilities of workers at the intersections of race, class, gender, and citizenship was a key part of our union's praxis. It is vital that we do not continue to repeat the mistakes of the mainstream anti-violence movement that has subverted the radical goals of its roots by being tethered to institutions which are uninterested in preventing violence (Shepp et al. 2023). Radical Black feminists understood the limitations of the mainstream anti-violence movement to do anything meaningful to address the experiences of Black women precisely because the mainstream was invested in

small-scale institutional change from the very institutions that produced the most harm for their communities. We must make sure that our organizing heeds what Black feminists have long warned us about—institutions will not save us, only we can protect us.

Our second recommendation relates to building towards direct action. What we were able to accomplish did not happen overnight; it took years of planning, organizing, and gathering information. In order to build to direct action, we had to start with understanding the scope of the problem within our community. By better understanding not only the prevalence of sexual harassment and discrimination, but also the structural conditions that produced what our fellow workers had experienced, we were better able to formulate a strategy around how to address their experiences. By engaging with our community directly, we were also able to organize the working group we formed in order to do something about not only the harassment we experienced, but also to identify how institutional responses had failed to support us. In our working group, we identified two problems we wanted to address: (1) that there were few individualized support sources for graduate workers who had experienced harassment or discrimination; and (2) the structures in place to respond to harassment and discrimination were not only not helpful, but were actively harmful in most situations. After determining our focus, we formulated a long-term strategy that involved education for our members about the issue of sexual harassment and discrimination of graduate workers both broadly and at our workplace. This early messaging phase was followed by a directed effort to connect the goals of the working group to the broader union goals of our contract campaign. Only after establishing the role of the union in addressing sexual harassment and discrimination were we able to organize a direct action specifically regarding this issue even before going out on strike.

Our third recommendation is on how to build solidarity and build power. Not only did we focus on conversations with members around the importance of addressing sexual harassment and discrimination in a contract campaign, we looked to serve as a model for the other unions on campus. We knew in our discussions with graduate workers that the university response to sexual harassment and discrimination was abysmal; but after bringing this issue to cross-campus union meetings, we realized that workers across campus universally had issues with the university Title IX office. Therefore, we brought the working group plans for our contract bargaining and contract campaign organizing to the three other campus unions to use as a model in their upcoming contract campaigns. We particularly emphasized to faculty how they could show solidarity with decreasing the immense power differentials that exist between faculty and graduate workers. Additionally, working together on shared definitions of sexual harassment and discrimination, moving response away from the Title IX office as much as possible, and recognizing that we must all work together to put power back in the hands of workers were all part of our cross-campus union solidarity building. Lastly, our efforts only began within the university setting, before moving into dialogue with broader community organizing efforts throughout the city of Chicago. At our rallies and during our strike, leaders from other unions across the city showed up in support including the Chicago Teachers Union, the Community Colleges, and various political leaders from the city. Support across the city for our bargaining platform was necessary in signaling to the university that the broader community was watching how the university responded to these more than reasonable asks. This solidarity was vital in supporting our messaging to campus community members but was also useful in putting pressure on the university. In short, building out a grassroots movement means finding points of shared struggle and working together to end that struggle.

Our fourth and final recommendation serves as a reminder that we must strike a balance between pushing for broader structural change while still caring for our community members through the struggle. Although we stress in previous paragraphs that we should not individualize systemic issues, we recognized that there were graduate workers we needed to help in the more intermediate future—as we said, dramatic social change does not happen overnight. The working group specifically discussed how to balance individual support sources in the immediate with systemic change. Furthermore, we specifically dis-

cussed ways in which we could support individuals who had experienced harm while not reinforcing and legitimizing the institutional processes that exacerbated our harm. We again looked to other Black feminist organizers who have done this with anti-violence organizing and organizing against the prison industrial complex (see Interrupting Criminalization, Project NIA, & Critical Resistance for examples; Kaba 2020). This dialogue echoed similar concerns to those who are fighting for prison abolition while still caring for those who are incarcerated *now*—we must fight for those who are impacted in the immediate term while avoiding efforts that serve to strengthen the very institution we seek to struggle against. In our case, we discussed options for ways in which our union leadership and working group could support members who were experiencing harm, including providing alternative options for seeking support, that did not include formally reporting to the university if that was not of interest to the individual. Specifically, the working group provided the exhaustive list of resources and information to members which included their options for formal and informal support both on and off campus, in both an infographic in our toolkit and as a list on the union website. This resource guide was an option that served several purposes: (1) it provided any members with a comprehensive resource guide for their full spectrum of options; (2) it gave union leadership (outside of the working group) a tangible resource to provide to members if they were asked; and (3) it supported members without inadvertently strengthening the formal reporting process or the university itself.

5. Conclusions

Following in the appendices of this paper are resources compiled from our fight against discrimination and sexual harassment of graduate workers. We have organized these resources as a toolkit for organizing in the campus space and bridging the campus anti-violence movement and academic labor movement (O'Callaghan et al. 2021). We also want to point to similar toolkits in other similar organizing capacities, like ones from Critical Resistance, Project NIA, and Interrupting Criminalization, which we looked to for guidance and inspiration in creating our toolkit. Much of what we fought for was not focused around improving a carceral process like Title IX proceedings (see Shepp et al. 2023). We implore other scholars and activists working to address gender-based violence in higher education spaces to abandon changes that will ultimately uphold the Title IX process. As we stated before, if we want to work towards a “decarcerated university”, then continuing to place our energy and faith in uplifting carceral structures is not the answer (Fuchs 2021; Harney and Moten 2013). Instead, we recommend a shift back to the grassroots organizing that began the anti-violence movement—one that was focused on community care and community support, rather than institutions (The Combahee River Collective 2014; Richie 2000). Finally, a reminder to take Lorde's words and apply them when we are thinking about how to end sexual harassment and discrimination—the master's (university's) tools will not dismantle the master's (university's) house.

Supplementary Materials: The following supporting information can be downloaded at: <https://www.mdpi.com/article/10.3390/socsci12060330/s1>.

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Appendix A. Contract Language Pre-Changes

Non-Discrimination

A. There will be no discrimination by either the Union or University against any person because of race, color, national origin, religion, sex, pregnancy, sexual orientation, gender including gender identity and gender expression, age, disability (including mental and physical), marital status, order of protection status, genetic information, veteran status, ancestry, unfavorable discharge from the military, citizenship or immigration status, arrest record, or status as a protected veteran. The parties agree that personnel decisions including reappointment shall be based solely on job-and-academic related criteria and performance.

B. There shall be no discrimination against any employee because of Union membership or because the employee is acting as a representative of the Union or its members or other graduate employees pursuant to the Agreement or policies or rules.

C. The University of Illinois and the Union will not tolerate sexual harassment. The University will take action to provide remedies when such harassment is properly reported or discovered as provided by law and University policy. The University considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. The University and the Union are committed to eliminating unlawful discrimination and to that end the Union may designate two (2) members of the Union to meet with the Office of Access and Equity for the purpose of providing input and policy recommendations once per year at the request of the Union. Topics at this meeting may include the Gender Inclusive Resources available at <http://oae.uic.edu/resources/gender-inclusive-resources/> (accessed on 24 May 2023). The Office of Access and Equity investigates all claims of discrimination and harassment in accordance with University policy and applicable law.

D. The University and the Union agree that the language of this Agreement shall be interpreted and applied in a manner consistent with the requirements of the Americans with Disabilities Act, and with applicable federal and state non-discrimination, equal opportunity and affirmative action laws, including those prohibiting retaliation against individuals for the exercise of rights under those laws. Accordingly, the University will follow all relevant laws regarding the provision of lactation facilities to assistants.

Appendix B. Contract Post-Strike

Non-Discrimination and Anti-Harassment

A. There will be no discrimination by either the Union or University against any person because of race, color, national origin, religion, sex, pregnancy, sexual orientation, gender (including gender identity and gender expression), age, disability (including mental and physical), marital status, order of protection status, genetic information, veteran status, ancestry, unfavorable discharge from the military, citizenship or immigration status, arrest record, or status as a protected veteran. The parties agree that personnel decisions, including reappointment, shall be based solely on job and academic-related criteria and performance.

B. Harassment is defined as unwelcome conduct that is based on the actual or perceived categories above that has the purpose or effect of: (1) becoming a condition of continued employment; or (2) is sufficiently severe or pervasive to substantially interfere with the individual's work performance or create what a reasonable person would consider an intimidating, hostile, or offensive work environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform their duties.

C. There shall be no discrimination against any employee because of Union membership or because the employee is acting as a representative of the Union or its members or other graduate employees pursuant to the Agreement or policies or rules.

D. The University of Illinois and the Union will not tolerate sexual harassment. Sexual harassment and sexual misconduct are defined in the University's Comprehensive Policy and Procedures for Sexual Misconduct Grievance Process. The University's policy can be

found on the Office of Access and Equity (OAE) website. The University considers such behavior, whether physical or verbal, to be a breach of its standards of conduct.

E. The University will take action to provide remedies when such unlawful discrimination and/or harassment is properly reported or discovered as provided by law, and University policy. The University considers the behavior laid out in Sections A–D to be a breach of its standards of conduct. The University and the Union are committed to eliminating unlawful discrimination and to that end the Union may designate two (2) members of the Union to meet with the OAE for the purpose of providing input and policy recommendations once per year at the request of the Union. Topics at this meeting may include the Gender Inclusive Resources available at <http://oae.uic.edu/resources/gender-inclusive-resources/> (accessed on 24 May 2023). OAE investigates claims of discrimination and harassment in accordance with University policy, and applicable law.

F. In any proceedings regarding a sexual harassment and/or discrimination complaint, a graduate employee may choose to have a Union representative serve to advise, represent, and support the graduate assistant who is filing a complaint in accordance with the relevant University policies and this Agreement.

G. The University of Illinois and the Union do not condone workplace bullying and will uphold the principles of the University Code of Conduct for all those acting on behalf of the University in a professional setting. This Code of Conduct can be found here: https://www.ethics.uillinois.edu/compliance/university_code_of_conduct (accessed on 24 May 2023).

H. The University prohibits unlawful retaliation for participating in a protected activity. The University's retaliation policy can be found at: <https://oae.uic.edu/policies/prohibition-of-retaliation/> (accessed on 24 May 2023).

I. Supportive Measures

Graduate assistants who may have experienced sexual harassment and/or discrimination at the University may request workplace supportive measures (e.g., moving office spaces, counseling, modification of work schedules/assignments or restrictions on contact between the parties). Graduate assistants may submit a request for supportive measures to OAE, Campus Advocacy Network (CAN) or the relevant department chair, program director or unit head (collectively, the "supervisor"). The graduate assistant may choose to have a Union representative and/or CAN advocate present at that meeting. No workplace supportive measure shall result in loss of pay for the graduate assistant who may have experienced sexual harassment, harassment, or unlawful discrimination, except if a graduate assistant chooses to either request a reduction in work hours and/or to take a voluntary leave of absence and such leave is approved. Decisions regarding a request for supportive measures, pursuant to this section of the Agreement, shall be made by the supervisor (where appropriate) in consultation with OAE. A graduate assistant's request for supportive measures that does not require mandatory reporting shall not result in a formal report filed to OAE unless requested by the graduate assistant. Requests for supportive measures will not be unreasonably denied. If a graduate assistant's request for supportive measures is denied, a graduate assistant can request a review of the decision with OAE and have a union representative present at the meeting. Decisions on supportive measures are not subject to the grievance procedure and arbitration.

J. The University and the Union agree that the language of this Agreement shall be interpreted and applied in a manner consistent with the requirements of the Americans with Disabilities Act, and with applicable federal and state non-discrimination, equal opportunity and affirmative action laws, including those prohibiting unlawful retaliation against individuals for the exercise of rights under those laws. Accordingly, the University will follow all relevant laws regarding the provision of lactation facilities to assistants.

K. If a graduate assistant decides to pursue a complaint through OAE, the University shall notify the graduate assistant that OAE has an investigatory role but does not represent either the complainant or respondent.

L. In cases when a determination is made not to investigate, OAE will provide the complainant the reason within 10 business days, excluding University-recognized Holidays.

M. The University shall maintain webpages listing the all-gender bathroom locations and established lactation stations of which the University is aware during the term of this Agreement.

Note

¹ We reference the term ‘community’ frequently in this article. When we say ‘community’, we are speaking to the collective of graduate workers that we organized with and for. At times we may also reference ‘community’ to encompass precarious academic laborers, campus survivors of gender-based violence, and the intersection of the two. For others reading this text, ‘community’ may mean something different for you and your organizing context.

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