
Lessons from the Field: Organizing a Faculty Union in the Era of *Janus*

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ABSTRACT

On June 27, 2018, the Oregon Employment Relations Board certified United Academics of Oregon State University (UAOSU) as the sole bargaining unit to represent teaching and research faculty of our university. On the same day, the United States Supreme Court released its decision in *Janus v. American Federation of State, County, and Municipal Employees (AFSCME)*, *Council 31*. In this personal narrative, I will describe our organizing campaign, considering our success in the light of *Janus*. I conclude with reflections on how what I have learned from organizing continues to shape my work as an academic librarian.

INTRODUCTION

On June 27, 2018, the Oregon Employment Relations Board certified United Academics of Oregon State University (UAOSU) as the sole bargaining unit to represent teaching and research faculty of our university. On the same day, the United States Supreme Court released its decision in *Janus v. American Federation of State, County, and Municipal Employees (AFSCME)*, *Council 31*.¹ The 5-4 decision ended “agency fees” within public sector unions, where nonmembers contribute to the costs of bargaining a contract, which covers everyone in the unit regardless of their union membership. This ruling is widely viewed as a pointed blow to organized labor: if workers can get the benefits of collective bargaining without paying, why join the union?

In this article, I describe the UAOSU organizing campaign, considering our success in the light of *Janus*. In order to form our union, we had to get 50 percent plus 1 of the eligible bargaining unit to sign authorization

cards affirming their support. Anyone who did not sign a card *de facto* counted as a no vote: in the card-check process, there is no way to opt out of participating. Choosing not to participate is taking the side of management. As *Janus* incentivizes not joining the union, it is all the more important to draw attention to those decisions as what they are. I reflect on my experience with organized labor as a lens to reiterate the impossibility of neutrality—and that hiding behind neutrality means taking the side of the status quo. I outline some of the lessons I learned throughout the organizing campaign, and how academic librarians may apply community organizing elsewhere in their work.

ORGANIZING AT OREGON STATE UNIVERSITY

Organized labor in higher education in the United States dates back to the early twentieth century. The American Association of University Professors (AAUP) was founded in 1915 with a primary commitment to intellectual freedom for faculty and is one of the major organizations through which labor organizes in higher education (AAUP, n.d.).

While education, training, and library occupations remain one of the most highly unionized occupational groups in the United States, at 34.7 percent membership, that rate is declining (Bureau of Labor Statistics 2018). As of 2017, just over a quarter of librarians in all types of libraries in the United States were part of a labor union (DPE 2019). The first negotiated contract known to include academic librarians was at Howard University in 1945 (Biblo 1976). For academic librarians in the United States, opportunities for union membership depend on their job classification in their institution. Because members of a bargaining unit must have recognized shared interests, job classification determines whether librarians can be a part of a faculty union, another academic employee union, or a bargaining unit consisting entirely of librarians, such as in the University of California system. Given the huge range of classification for academic librarians from full tenure-track faculty to muddier designations as professional faculty to other classifications altogether, it is unsurprising that unionized academic librarians belong to a wide variety of bargaining units.

Still, the connection between the status of academic librarians as faculty and their participation in a bargaining unit has been explored since the mid-1970s (Bentley 1978). As early as 1974, the Association of College and Research Libraries itself linked faculty status to collective bargaining through documents such as the *ACRL Standards for Faculty Status for Academic Librarians* (see Weatherford 1974, referencing the *ACRL Statement on Rights and Privileges*). These *Standards*, revised in 2011, include key advocacy issues for faculty unions, such as academic freedom, shared governance, and grievance procedures (ACRL 2011). In addition, the *ACRL Guideline on Collective Bargaining* states simply that “academic librarians shall be included on the same basis as their faculty colleagues in units

for collective bargaining” (CRL 2008). Together, these documents suggest that full faculty status provides improved working conditions for academic librarians—including the opportunity to be a part of a bargaining unit.

At Oregon State University (OSU), with only a few exceptions, librarians fall into two classifications. Most are tenured or tenure-track faculty, held to the same tenure and promotion guidelines as other faculty. Other positions are fixed-term professional faculty, without the research and teaching requirements for tenure line positions. Because this classification of professional faculty is also used for administrative positions across the University, only the tenure line, instructor, and faculty research positions within the library are currently eligible to be part of the new faculty union.

Oregon State University is a public research-intensive university with land, sea, space, and sun grant missions. Its research and teaching faculty work on the main campus in Corvallis, as well as on campuses in Bend and Newport, and at the extension offices and field sites in counties across the state. In total, there are approximately 2400 research and teaching faculty, including the majority of the librarians on the main campus in Corvallis. Shared governance lies primarily in the elected Faculty Senate, which approves curriculum changes and academic policies, and can make recommendations to university administration.

Like other states, Oregon has seen an overall decline in union membership over the past thirty years, although membership in public-sector unions remains at about half (Bauer 2018; Mapes 2018). The longest-standing higher-education faculty union in Oregon is at Portland State University (PSU), where the AAUP chapter has represented the bargaining unit for full- and half-time faculty since 1978 (Portland State University American Association of University Professors n.d.). Adjunct faculty at PSU have been represented since 1979 by the Portland State University Faculty Association, affiliated with the American Federation of Teachers (AFT) (PSUFA, n.d.). OSU and the Oregon Institute of Technology were the last of Oregon’s seven public universities to create faculty unions, and both unions petitioned to certify on the same day in 2018.

The development of United Academics OSU began with the revitalization of the dormant campus AAUP chapter in the early 2000s. The chapter agitated around issues such as highly controversial furloughs, an intrusive required questionnaire connected to health benefits, and a survey of non-tenure-track faculty. Shortly after the University of Oregon faculty union won their first contract, AFT staffers began speaking to faculty; the first (now-annual) barbeque was held in the summer of 2014. As the campaign developed, both AFT and AAUP staffers worked with faculty organizers. I was the first librarian to join the organizing committee in fall 2017, although another library faculty member was also actively organizing at that time.

Our organizing campaign followed many of the methods described by Jane McAlevey in *No Shortcuts: Organizing for Power in the New Gilded Age* (2016). An organizer turned academic, she outlines the methods used by leftist AFL-CIO organizers in the early twentieth century, and how many modern unions have compromised those approaches in favor of higher-level negotiations with employers. McAlevey distinguishes between *organizing*, where workers are directly involved in all elements of action, and *mobilizing*, where paid staffers take on much of that work. A similar distinction is sometimes made between organizing and *servicing*, where members view the union as a service they pay to use or consume (Forman 2013). Ultimately, McAlevey proposes that paid organizers working alone cannot create and maintain a union: rather, it takes what she calls “whole-worker organizing,” where activated workers continuously organize their workplace. In fact, it takes broader community support to sustain a healthy union; as one example, she describes the successful 2012 strike by the Chicago Teachers Union, which depended on the support of students and their families. Two years after the strike, polls found that the union president was more popular in Chicago than the mayor.

This approach to organizing, rather than simply mobilizing, can be seen in the focus on conversations with individual faculty members throughout the UAOSU campaign. After joining the effort in summer 2017, union staffers taught me to have organizing conversations with other faculty members as a means to better understand workplace concerns while also sussing out support and helping folks consider how our union could address their concerns. These conversations have a structure that may feel rigid at first, but that serves a clear purpose. The slogan “agitate, educate, organize” is shorthand for the steps. First, you must find out what that person’s experience is, asking questions that surface the issues in their working conditions. Workers may not have considered their frustrations within a broader context, so it may help to provide information—for example, given that many OSU faculty members had little experience with unions, we often discussed ways that faculty unions at other institutions addressed their concerns. Given the research conducted at OSU, issues related to grant administration affect many faculty, from faculty research associates whose paychecks rely entirely on soft money to principal investigators who may scramble to fund their lab between grants. When these types of issues came up, we could share the successes of other faculty unions. And finally, an organizing conversation always offers next steps of action along with ongoing follow-up. This “ask” might look like a commitment to attend an event, to sign a public statement or petition, or some other concrete action with a clear timeline.

An organizing conversation can feel a little awkward: I was not used to such pointed discussion with my colleagues. However, as I practiced, I found myself noticing similarities between the organizing conversation

and a reference interaction, another structured form of dialogue. Although the purpose and method are quite different, both must be approached with skill and thoughtful strategy. In both cases, the structure should not compromise the authenticity. For both, it is important that the other person gets their questions answered and a good organizer (or a good librarian) will ask careful clarifying questions to understand the needs and interests. A good organizing conversation will also include inoculation, making sure the worker has a chance to think about management's potential reaction, the possible consequences to their actions. This may feel counterintuitive, if the assumed goal is to convince someone to join your side. However, people need to know what they're getting into, and someone whose fears outweigh their commitment won't show up when it matters. Similarly, in a reference interview there may be points when a librarian must raise questions about the limitations of the source at hand or invite the user to think about the context of their use. Certainly, a college student must consider how their professor will respond to their citing an out-of-date text. Both librarians and organizers can help someone think through their own values and restraints in order to move forward.

At the end of an organizing conversation, you assess the person's support: has it warmed or cooled? What concerns did they raise? Building knowledge of where individuals stand is crucial for assessing the viability of future actions, whether building a new union, supporting a new contract, or whatever else. Look for issues that are widely and deeply felt across the bargaining unit. Listening is crucial, to use another adage: you have two ears and only one mouth (Bradbury, Brenner, and Slaughter 2016). Coaxing someone into agreeing with you in the moment doesn't translate into lasting support, while hearing out their concerns provides entry points for genuine connection, as well as helpful information for the broader campaign. Issues raised through organizing conversations, supplemented by additional surveys, listening sessions, and research, shape the bargaining platform as we move toward our first contract. Our colleagues have been telling us since the start what matters to them, it was just a matter of listening and keeping track. Similarly, reference interactions can surface issues with curriculum (for example, if students in a particular course consistently struggle with a particular activity), difficulty with certain resources, or other trends.

The UAOSU campaign included a series of structure tests, which can be used to gauge general support for the union as well as for specific actions and priorities. Structure tests are a way to assess strength and position before moving forward with a bigger action. For example, the UAOSU communications committee drafted a mission statement explaining why we were organizing our union (UAOSU 2017). This mission statement was circulated to faculty, who were invited to sign to indicate their support; over 1000 faculty eventually signed. This number surpassed our goal,

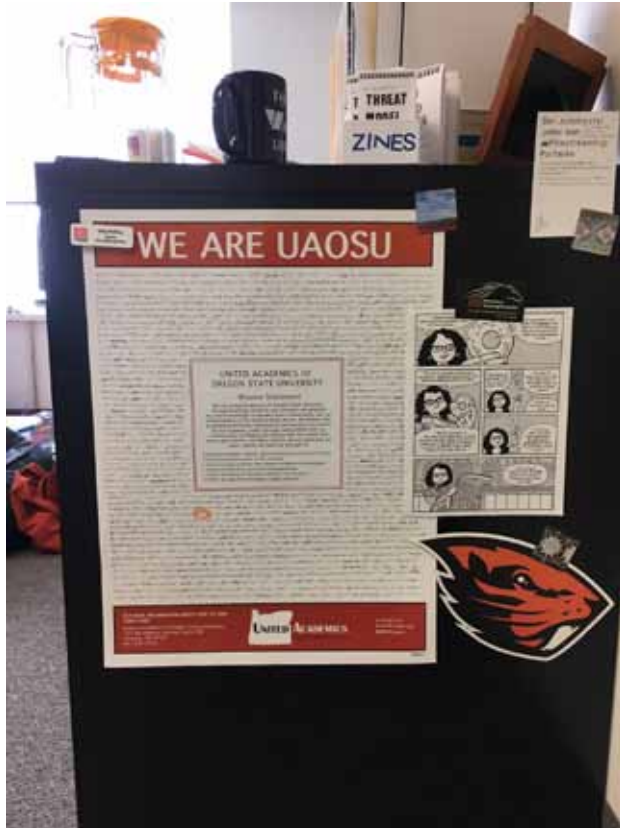


Figure 1. The UAOSU mission statement poster in my work-space. Photo courtesy of the author.

about 40 percent of the bargaining unit, and confirmed the growing momentum of the campaign. Posters of the mission statement and signatures were then printed and distributed as part of further actions, as a public demonstration of support. Faculty were encouraged to hang the poster in their offices, and some even found and circled their signature to further visually emphasize their support (see figure 1).

Structure tests also serve as mileposts for a campaign. Based on the support indicated by the number of signatures on the mission statement, we moved forward with the steps to formally certify the union. Card check has a limited window of time, as cards can no longer be used to petition 180 days after they were signed. Given the nature of academic employment, as instructors may work term-to-term, it was also important to move within the academic calendar. During this time, organizing conversations obviously had a specific and urgent ask, whether each faculty member would

be willing to sign a card to affirm their support in creating a union. Based on previous structure tests, we had a sense of who was likely to sign a card, and who might need more time to consider and talk about it.

In the card-check process, there is no way to not engage on either side: anyone who chose not to sign a card was counted as a no vote. This was a purposeful choice by faculty organizers, as Oregon allows multiple pathways to certify a union within a workplace. A one-time ballot would have let a smaller number of people who showed up on the day of the vote decide for everyone in the bargaining unit, while the card check required a majority of the total bargaining unit to actively support the formation of the union. This included those who might have been excluded from a one-time vote, whether because they are off doing research in the field, tightly scheduled between work and home commitments, or otherwise difficult to get a hold of. While members may recognize an election as a standard of democratic process, the card check can be understood as actually being more democratic, as it requires 50 percent plus 1 of the entire bargaining unit, rather than simply a majority of whoever shows up that day to vote. Given the distributed nature of our faculty, it also ensured that the Corvallis campus was not prioritized over faculty across the state. In order to build a strong union, it was crucial to engage the faculty as fully as possible.

The campaign was not without its critics. In addition to some faculty members who simply did not want to sign cards, an active anticampaign was championed in particular by one faculty member through a website and an online petition, but it failed to gain widespread support. In the certification document, this campaign was acknowledged, but their insufficient numbers of petition signers were specifically noted. (In Oregon, a call by at least 30 percent of the proposed bargaining unit can require an election in lieu of the card check.) University administration created a FAQ intended to answer “frequently asked questions about faculty unionization, common issues that may arise during a bargaining campaign, and what the success of a unionization effort might mean at OSU,” and many of the posted questions reflect hostility to the union. For example:

It feels like the process to unionize is actually a bit out of the hands of faculty generally and the university administration completely. It’s unclear, then, how to have a fair process with open dialogue about the pros and cons related to unionization. Is the faculty senate expected to maintain neutrality on this issue as well? Where are the debates and public forums? (OSU Office of Faculty Affairs 2017)

This came after at least one forum at Faculty Senate, and a series of public events held by UAOSU. Despite these issues, we submitted authorization cards signed by a majority of the faculty to the state, and on June 27, 2018, the Employee Relations Board recognized UAOSU as the sole bargaining agent for faculty.

Janus AND WHAT'S NEXT

On that same date, the Supreme Court decided the *Janus v. AFSCME Council 31* case. Mark Janus was a public employee in Illinois who opposed the union in his workplace. He objected to being compelled to pay the agency fees, which were collected from nonmembers to support the collective-bargaining process. This “fair share” is collected because nonmembers in the bargaining unit are also covered by the contract, so all workers contribute to cover the costs of bargaining.

In the *Janus* decision, the Supreme Court overturned a 1977 ruling in *Abood v. Detroit Board of Education*, finding instead that the agency fees violate the First Amendment. Mark Janus opposed positions of the union, including positions taken in collective bargaining. The Supreme Court decision found that requiring him to pay agency fees violated his freedom of speech. Where some states already had so-called right-to-work laws prohibiting fair share, *Janus* expands this nationally. It is anticipated that *Janus* will reduce overall union membership and thus the economic strength of unions, with an expected decrease in dues-paying members on top of the loss of the agency fees. As some of my fellow UAOSU organizers have already heard from colleagues, why pay for something that I can get for free?

Sharing a birthdate with *Janus*, our union will be an organizing union, and dependent on active and engaged membership. While longstanding unions struggle with the financial implication of losing fair share from nonmembers, we simply never had that option: our budget won't reflect fair share. As we move into our membership drive, we must demonstrate the benefits of membership and the power of numbers. No one gets a free ride if low membership dilutes our power at the bargaining table. Strong, involved membership demonstrates to administration the potential consequences of anything from poor public relations to a strike. Weak membership gives the bargaining team less authority to speak on behalf of the bargaining unit.

Janus is likely just the beginning of additional legal challenges to organized labor. Rightwing groups including the State Policy Network and the Freedom Foundation have launched campaigns ranging from lobbying for hostile state laws to grassroots organizing to undermine union membership, influence, and rights (Pilkington 2017; Brooks 2018). For UAOSU, as we build our membership and work toward our first contract, that is just the political and social climate we get to grow in.

LESSONS FROM ORGANIZING

Toward the end of the drive for authorization cards, I spent several afternoons and weekends doing house visits with staff organizers. We drove, walked, and knocked a lot for sometimes paltry numbers of interactions, but it was a point in the campaign where every card mattered. The

interactions we did have were often with people who either somehow had been out of the loop or who had serious reservations to talk through. Hearing organizers talk with these people modeled for me exceptional listening and strategic speaking. Perhaps still more important were our own debriefing discussions, back in the car, as we analyzed the interactions we had just had. Did they need more time to think about the issues, or had they made up their mind but were embarrassed to say so? Was there another faculty organizer whose experience and background would provide the information and connection that person needed? Although I am primarily doing this work because I believe in the benefits of a faculty union, along the way, I have learned a great deal from organizing and from our AFT and AAUP staffers, lessons that inform my work as a librarian. In this section, I reflect on the ways that the rhetoric of neutrality shows up around unions and libraries, and how I increasingly use tools from organizing in my librarianship.

In an email to the faculty shortly before we filed for authorization, our provost explained why university administration had refused to meet with organizers—a fairly common practice—by noting, “We are simply striving to remain neutral while this process plays itself out.” While administration is prohibited from spending public resources to either support or oppose the union, neutrality remains slippery in both concept and practice. In labor, as in libraries, power obscures its engagement. As Emily Knox noted in the heavily attended ALA President’s Program at Midwinter 2018, “A so-called neutral choice is almost always a choice for the status quo” (“Are Libraries Neutral? Highlights from the Midwinter President’s Program” 2018). Within librarianship, neutrality may be assumed as a given, held up as an unattainable but worthy aspiration, or lamented as a false goal. John Wenzler’s recent overview of the ongoing discussion found sparse literature in support of neutrality, with ample critique focused on how neutrality prevents effective social justice work, that neutrality is a myth, or that neutrality reduces professional judgment (2019). While there may be little published in direct support of neutrality, the abundant critiques suggest that it remains an issue in practice. Wenzler himself articulates an argument for neutrality from moral philosophy—that it creates space for varied conceptions of the good life. Coming through an organizing campaign, I feel a little weary of philosophical arguments. I bring my perspectives as I walk through the world, and they don’t prevent me from providing good service to folks I disagree with. My colleagues know how involved I am in our union—that doesn’t keep me from working effectively with those who aren’t supportive.

Merriam-Webster defines *neutral* as “not engaged on either side.” Power and struggle are implied in this definition: there are two sides in opposition, and a neutral party just stays out of it. In our unionization campaign, faculty may have wanted to remove themselves from the decision, but it

required making a choice for or against. You're in or you're out—there's no way to opt out. Similarly, while librarians may wish to see themselves as not engaged, we are constantly making decisions about resource allocation, workers, and users. Libraries purchase materials from publishers, which make choices about what stories and information to publish, and on down the line. The options out there are already defined by broader systems shaped by power and inequality. Claims to neutrality within libraries are, like claims to neutrality by management, support for the way things are.

After knocking on doors as part of home visits during our campaign, I found myself often confronting questions of power and perception. For example, the FAQ published on the university website was frequently referred to as a trustworthy source of information, despite the fact that questions were selected and answers provided by administration. How is it that administration is neutral while the union is divisive? It is as if the union, in reframing individual concerns as collective, and in identifying a site of potential change, creates the struggle. Administration, representing the existing status quo, can claim itself as neutral.

The *Janus* decision heightens the need for questioning and challenging claims of neutrality. While all members of a bargaining unit are covered by the contract reached by the union, nonmembers no longer are required to contribute anything toward the costs of that process. By not joining, you may feel you are simply opting out, while in fact it is an active decision with tangible effects. The card check was a way to draw further attention to that decision.

If libraries, as our professional organizations, conference themes, and institutional mandates suggest, wish to innovate and bring change, we must not only engage but also own that engagement. Over summer 2018, this unfolded through the revision—and then rescission—to the ALA *Library Bill of Rights* documentation regarding public library meeting rooms, originally instituted in 1991 (ALA 2019). The revised language explicitly called out that libraries with public meeting spaces cannot exclude hate groups or hate speech. While, as the revision points out, libraries are bound by the First Amendment to protect free speech, many library workers were shocked at what felt like a misguided application of the rhetoric of neutrality. Members of the We Here community wrote and circulated a petition outlining objections both to the action and to the process. The text calls out that supposed nonengagement can tacitly support discriminatory acts: “If libraries allow known hate groups to organize their hate-motivated activities in our meeting room spaces, we condone hate groups at best, and at worst, aid and abet their hate crimes” (We Here 2018). The petition ultimately received over 800 signatures, including my own. On Twitter, the hashtag #NoHateALA became a site to share concerns, ranging from general dismay to quite lengthy discussions of the historical and

legal precedents of hate groups using library spaces. Ultimately, in 2019 the Council voted to rescind the interpretation, defaulting back to the 1991 text for the time being. Protecting free speech while also addressing ongoing structural oppression isn't simple, but it certainly cannot depend on keeping things the way they are.

Labor organizing offers a vision of how to engage and make change, building power in a way that could transform library work. Both libraries and unions offer potentially radical social alternatives, opportunities for communities to identify and meet their needs together, explicitly engaging in making change. That may look different in a collective-bargaining agreement and in a commitment to open and low-cost textbooks, but both represent challenges to the power of the status quo. While librarians may find it appealing to simply mobilize the community, an organizing approach builds deeper and stronger roots.

Organizing takes a great deal of time and strategy. You don't build a union all at once. It can take iterative failure and repair, always considering the next winnable step. Effective organizing focuses on relationships. By building a network of people, you can come to an organic understanding of what a community wants and needs, as well as how willing they are to take action. So much of what we do requires sometimes difficult conversations, but that is where authentic connection and commitment can happen. As one of our organizers puts it, emails don't get people to do shit: while we may wish for simple methods to promote or advocate, making real change requires ongoing personal contact. For me, participating in our faculty union has been a way both to advocate for librarians, because of and despite our idiosyncrasies as faculty members, and to build ties with other faculty across the university. Thanks in part to the strength of the two or three librarians organizing, the library had one of the highest rates of card signing across academic units. My involvement led me to join the organizing committee, and eventually to become part of the bargaining team as we negotiate our first contract. Each meeting is an opportunity both to be a part of the broader faculty and to speak up about the ways that working conditions differ for library faculty specifically.

The focus on conversations and relationships is also deeply pragmatic. Organizing success isn't about getting to 100 percent consensus among all individuals, or about convincing people that you are right. Some people you talk to will oppose unions categorically, for any number of reasons. If someone is a hard no, you can just move on to another conversation. You can always come back to that person later, but strategic organizing requires focusing your energy and time effectively. As an instruction and outreach librarian, I apply this as I consider how to build new audiences. While I might have the seemingly perfect solution for information literacy for English majors, I have to accept that there may be prominent individuals in that department who are resistant to change. Not all challenges are

winnable right now. While I don't use formal structure tests, I also find myself applying the rough rubrics of support in other areas. When I share an idea in a staff meeting, I try to gauge: who was totally on board? totally opposed? on the fence, but probably open-minded if I talked with them more? Then, I have a chance to think about how to have that one-on-one conversation, the kinds of questions I need to have, and the preparation I need to do beforehand. Organizing has taught me to think about building support in context. If you can't communicate effectively or if people don't feel invested, it doesn't matter that your idea is the right thing to do. Responding to concerns can help strengthen your cause. As we move into bargaining our first contract, we have gathered so much information through these thousands of organizing conversations; even as we collect more quantifiable data, we already know what the big issues are, because our colleagues have been telling us for years.

Finally, organizers have taught me to take risks. I enjoyed home visits in part because it was excellent practice being told no. I learned to listen and learn what I could, and then to move down the list. Fear of rejection can keep us from asking. The will to nonengagement, to neutrality, can also be rooted in fear, of lawsuits, of censure, or simply of change.

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NOTE

1. *Janus v. American Federation of State, County, and Municipal Employees (AFSCME)*, Council 31, 585 U.S. ___, 138 S. Ct. 2448 (2018).

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