Confronting the Labor Problem in Catholic Higher Education: Applying Catholic Social Teaching in an Age of Increasing Inequality

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Abstract

Over the past four decades, the United States has witnessed the rise of an economy of growing inequality and exploitation, and this economic transformation has entangled Catholic institutions of higher education in what Pope Francis has called "an economy of exclusion and inequality." In recent years, some institutions have taken steps to resolve this contradiction; Georgetown University makes for a noteworthy example. Yet Catholic colleges and universities still have work to do to address the labor problems of the 21st century. If they commit themselves to that project, they can provide needed leadership in the fight for a more just social order.

American Catholic higher education finds itself increasingly ensnared in a contradiction. On the one hand, Catholic colleges and universities, "born from the heart of the church," continue to play an indispensable role in the promotion of Catholic Social Teaching.[1] At the same time, institutions of Catholic higher education are fighting to survive and remain relevant amid rapacious economic trends that are reorganizing all of higher education — secular and Catholic alike — in ways that contradict essential principles of Catholic Social Teaching, such as the dignity of labor and the centrality of solidarity to a just social order. Put more bluntly, Catholic colleges and universities find themselves increasingly entangled in what Pope Francis has called "an economy of exclusion and inequality," an economy that "kills."[2]

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[1] Pope John Paull II, "Ex Corde Ecclesia," http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae.html (accessed July 21, 2017).

[2] Pope Francis, "Evangelii Gaudium," Paragraph 53, http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html (accessed January 9, 2018).

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Nowhere is this problem clearer than in the realm of labor relations, where Catholic institutions struggle to reconcile bedrock ideals of Catholic Social Teaching, such as a worker's right to be paid a living wage or to organize and bargain collectively, with the business practices that increasingly characterize U.S. institutions of higher education. Facing and resolving this contradiction will not be easy. Yet the future integrity of Catholic higher education depends upon the willingness of its institutions to meet this challenge honestly and courageously.

An Increasingly Problematic Economic Context

The first step in addressing the problem must be a clear-eyed recognition of the forces that have reshaped our economy and so many of our institutions — including higher education — over the past half century. American Catholic higher education reached the height of its influence in the post–World War II decades in an economic context very different from the one that prevails today. There were 92,000 students enrolled in Catholic colleges and universities in 1945. That number more than doubled within the space of only three years, largely with the help of the GI Bill. By 1970, it had reached 430,000, thanks to federally guaranteed loans under the provisions of the National Defense Education Act (1958).[3]

This postwar expansion took place in the context of a nation where prosperity was not only growing, but also broadly shared. Economists refer to the years between 1940 and 1973 as the era of the "Great Compression," because in these years the nation's income structure became dramatically more equal. During this period, the rate of income growth was higher in the bottom two quartiles of the economy than in the top two. A number of factors contributed to this trend. Important among them was a strong union movement, a progressive taxation and regulation regime, and corporate practices that tended to favor strategies of investing in workers as lifelong employees.[4]

Catholic higher education today inhabits a very different economic world from the one that prevailed in 1970. Then, the federal government taxed income in the top earnings bracket at 71.75 percent and

[3] David J. O'Brien, *From the Heart of the American Catholic Church: Catholic Higher Education and American Culture* (Maryknoll, NY: Orbis Books, 1994).

[4] Claudia Goldin and Robert A. Margo, "The Great Compression: The U.S. Wage Structure at Mid-Century," *Quarterly Journal of Economics* 107 (February 1992): 1-34.

collected a top capital gains tax of 32.3 percent. By 2017, however, these numbers had fallen to 39.6 and 25 percent, respectively. Then, the minimum wage was $10.09 (in inflation-adjusted dollars), compared with $7.25 in 2017. Nearly 28 percent of workers were unionized in 1970, whereas the number has fallen below 12 percent (only 6 percent in the private sector) at this writing. The nation's largest private sector employer in 1970 was General Motors, which bargained collectively with its employees, offered paid vacations and company-funded health and retirement benefits, and generally employed its workers for the duration of their working lives. Today, the largest employer is Walmart, which refuses to deal with unions and welcomes employee "churn" as a way of keeping wage costs down.[5]

While many commentators invoke globalization to explain the recent growth of inequality, the rise of a neoliberal faith in the infallibility of markets, the financialization of the economy, and corporate restructuring have had an even more far-reaching impact on the conditions of labor. The 1970s marked a seedtime for each of these trends. The decade began with Richard Nixon declaring, "We are all Keynesians now," as he sought wage and price controls and new environmental and workplace safety regulations. After "stagflation" undermined the Keynesian consensus, the decade ended with Jimmy Carter cutting back government and embracing deregulation. As faith in markets displaced faith in government during the Reagan era, a sea change took place on Wall Street. Investors pushed corporations to focus above all on "maximizing shareholder value."[6]

By the 1980s, leveraged buyouts and hostile takeovers proliferated. New market forces such as hedge funds and private equity firms pushed corporations away from the conglomerate model that had arisen in the postwar era and toward a "lean and mean" restructuring accomplished by downsizing and outsourcing. The rise of private equity enterprises was perhaps the most influential financial engineering development of this new era of capitalism. As scholars Eileen Appelbaum and Rosemary Batt have demonstrated, breaking union contracts, defaulting on pension obligations, and laying off workers have been key tools of that business model.[7]

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[5] Minimum wage history at https://www.dol.gov/whd/minwage/chart.htm (accessed January 9, 2018); Nelson Lichtenstein, *The Retail Revolution: How Wal-Mart Created the Brave New World of Business* (New York: Metropolitan Books, 2009).

[6] Judith Stein, *Pivotal Decade: How the United States Traded Factories for Finance in the Seventies* (New Haven, CT: Yale University Press, 2010).

[7] Eileen Appelbaum and Rosemary Batt, *Private Equity at Work* (New York: Russel Sage, 2015).

As these trends progressed, American business was increasingly "managed by the markets," as Gerald F. Davis puts it.[8] In the endless effort to maximize shareholder value and avoid falling prey to hostile takeovers, corporate leaders sought ever higher stock prices in part by shedding responsibility for workers through subcontracting, the creation of international supply chains, franchising, and the hiring of temporary labor. Such practices helped bring on what David Weil calls "the fissured workplace," where subcontracting has become a dominant model.[9] Whereas large office buildings typically employed their own janitors in the 1970s, today they contract the work to cleaning companies that might further subcontract it, making it difficult to know who is ultimately accountable for the conditions of those who work in the "fissured jobs" at the bottom of our economy. This contributed to the emergence of a new class of workers for whom the aspiration to attain a stable, family-sustaining job with a single employer has been a mirage. The influx of immigrants from Latin America, among elsewhere, who accompanied this transformation meant that workers of color were increasingly trapped in the most exploitative jobs.[10]

As this great transformation unfolded, enormous wealth accumulated in the hands of those who steered the new economy. The ratio of chief executive officer pay to worker pay was 20:1 in 1965. By 2014 it was 300:1.[11] The top 1 percent of income earners took home 85 percent of all income gains between 2009 and 2013.[12]

Catholic Higher Education's Entanglement in the 'Economy of Exclusion'

All of these economic trends have affected Catholic higher education. Not only have they shaped the *environment* inhabited by the 200-plus

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[8] Gerald F. Davis, *Managed by the Markets: How Finance Reshaped America* (New York: Oxford University Press, 2009).

[9] David Weil, *The Fissured Workplace: Why Work Became So Bad for So Many and What Can Be Done to Improve It* (Cambridge, MA: Harvard University Press, 2014).

[10] Davis, *Managed by the Markets*; Weil, *The Fissured Workplace*.

[11] Larry Mishel and Alyssa Davis, *Top CEOs Make 300 Times More than Typical Workers*, Economic and Policy Institute Issue Brief #399, June 21, 2015, http://www.epi.org/files/2015/top-ceos-make-300-times-more-than-typical-workers.pdf (accessed January 9, 2018).

[12] Estelle Sommeiller, Mark Price, and Ellis Wazeter, *Income Inequality in the U.S. by State, Metropolitan Area, and County*, Economic and Policy Institute Report (June 16, 2016) http://www.epi.org/files/pdf/107100.pdf (accessed January 9, 2018).

institutions of Catholic higher education in the United States that now serve roughly 950,000 students, but they also may have begun to influence the *internal dynamics* of those institutions.[13]

To begin with, some observers have questioned whether these larger trends have affected the leadership of Catholic colleges and universities. In 1996, Notre Dame political scientist Peter Walshe lamented that his university's board was "weighted with extravagantly paid corporate CEOs and their lawyers." "Where are the doctors serving in our inner cities, the devoted social workers, trade unionists and leaders of service-oriented NGOs?" he asked.[14] Walshe's question has taken on greater significance twenty years later as we face an economy of increasing inequality. Although we await a fuller study sampling of institutions by size and other relevant factors, what evidence we have indicates that lay members of the boards of trustees hail increasingly from among the ranks of those who have benefited most from recent economic trends and include a disproportionate share of representatives from the world of finance in particular. One study has found that the percentage of board seats held by finance industry professionals has nearly doubled in America's colleges and universities overall in the past 25 years.[15] In examining whether leading Catholic colleges and universities are in step with this trend, consider that in 2017, twenty-two of Boston College's forty-three lay members hailed from the finance and real estate sectors alone.[16] The outsized influence of the finance industry on BC's leadership corresponds with trends among large universities in general: In 2015, 56 percent of board leadership positions at research universities came from the financial sector.[17]

Yet it is not only the wealthier Catholic institutions that have courted board members who have benefited from the economic transformation of recent decades. Consider the board of the Catholic University of America (CUA), the only university under the direct control of the

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[13] Statistics on Catholic higher education from the Association of Catholic Colleges and Universities. See http://www.accunet.org/About-Catholic-Higher-Education (accessed January 9, 2018).

[14] Colman McCarthy, "Professors Reflect on Their Tenure at Catholic Colleges," *Washington Post*, December 7, 2009.

[15] Gary W. Jenkins, "The Wall Street Takeover of Nonprofit Boards," *Stanford Social Innovation Review* (Summer 2015): 46. See http://ssir.org/articles/entry/the_wall_street_takeover_of_nonprofit_boards#sthash.KbzPmzix.dpuf (accessed January 9, 2018).

[16] On Boston College trustees, see http://www.bc.edu/bc-web/about/trustees.html (accessed January 9, 2018).

[17] Jenkins, "The Wall Street Takeover of Nonprofit Boards."

U.S. Conference of Catholic Bishops. CUA's board is currently chaired by a defense contractor, while fifteen of its nineteen lay members are businesspeople (including bankers, private equity executives, and other corporate leaders). While none of these lay board members has any apparent connection with the tradition of Catholic teaching on labor that was once so ably represented at CUA by figures like Monsignors John A. Ryan and George G. Higgins, one board member, Leonard Leo, serves as vice president of the Federalist Society, an organization whose members have championed "right-to-work" laws and sought to reverse the very labor policies that Ryan and Higgins once championed.[18]

Moreover, it is not only larger institutions that have seen growing influence of business leaders on their boards.[19] Consider St. Michael's College of Vermont. Twenty of its thirty trustees are laypeople. Sixteen of these are from the world of business, including three CEOs, three insurance executives, four management consultants, a private equity investor, a hedge fund president, a bank president, a law partner, and a realtor.[20]

It is understandable that Catholic institutions have relied increasingly on trustees who can help raise funds for their institutions. Catholic institutions are overwhelmingly tuition-driven and are notably underrepresented among institutions with the largest endowments: Only four (the University of Notre Dame, Boston College, Georgetown University, and the College of the Holy Cross) rank among the 120 institutions with the largest endowments. To be clear, there is every reason to assume that these trustees care about Catholic higher education. But, as Bernard Prusak's article in this issue suggests, lay board members' formation in the substance and mission of Catholic Social Teaching is uneven. Thus, as Catholic institutions are increasingly overseen by trustees who have led and profited from the economic transformation of the past four decades, who are often uneducated on the long tradition of Catholic labor teachings, and who may have little personal experience with the struggles of workers in the present economy, it

[18] For CUA board membership, see https://www.catholic.edu/about-us/leadership/board-of-trustees/index.html. The chair of the CUA board is Joseph L. Carlini is CEO of McKean Defense Group (accessed January 9, 2018).

[19] At liberal arts colleges, 44 percent of board leadership positions came from the financial sector in 2015. See Jenkins, "The Wall Street Takeover of Nonprofit Boards."

[20] Of the four non-businesspeople on the St. Michael's board, one is an emerita college president and one is a management professor who specializes in entrepreneurship. See http://catalog.smcvt.edu/content.php?catoid=21&navoid=367 (accessed January 9, 2018).

should not be surprising that the tendencies that have reshaped labor practices in that larger economy also may begin to reshape practices on Catholic campuses. Several changes are especially notable: a sharp rise of income inequality; increasing reliance on poorly paid contingent labor; the contracting out of services to profit-making corporations; an increased opposition by the campuses themselves to unionization; and their growing participation in or reliance on supply chains in which labor exploitation is endemic.

Consider first how salary structures are changing on Catholic campuses. A preliminary analysis of data from Form 990 (which non-profit organizations file annually with the Internal Revenue Service) indicates that the pay of the top five non-officer salary earners at twenty-five Jesuit colleges and universities rose by 29 percent above inflation between 2001 and 2011.[21] We do not have comparably detailed data for all employees on Catholic campuses, but U.S. Department of Education data indicate that average faculty salaries nationally rose by less than 4 percent above inflation during this period, while the minimum wage rose by 7 percent above inflation.[22] To the extent that Catholic institutions will have to compete with better endowed private institutions to retain top faculty, the distorting pressures that favor those at the top of the income ladder are likely only to worsen in the years ahead.

Income patterns that favor the top brackets have been accompanied by the spread of contingent labor on Catholic campuses, especially in the rising proportion of adjunct instructors relative to tenured or tenure-track professors. As the American Association of University Professors (AAUP) has documented, the proportion of instructors in institutions of higher education overall who hold full-time tenured positions declined by 26 percent between 1975 and 2015.[23] Over the same period, there was a 62 percent increase in non-tenure-track faculty positions

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[21] This from data collected from the IRS Form 990s filed by all member institutions of the Association of Jesuit Colleges and Universities with the exception of Canisius College, Le Moyne College, and Seattle University, whose 990s were not available for every year examined. These salary-earners are not college or university officers and the results are not impacted by any increase in number of secular faculty and staff because religious faculty and staff were not represented among the top salary earners over this ten-year period.

[22] John B. Lee, "Faculty Salaries, 2002-2013," *The NEA 2014 Almanac of Higher Education*, p. 10; on median national income, see https://fred.stlouisfed.org/series/MEHOINUSA672N (accessed January 9, 2018).

[23] American Association of University Professions, "Visualizing Change: The Annual Report on the Economic Status of the Profession, 2016-2017," *Academe* (March-April 2017): 7.

and a 70 percent increase in part-time non-tenure-track positions (that is, adjuncts).[24] Some Catholic institutions appear to have replicated these trends. According to data gleaned from the U.S. Department of Education's Integrated Postsecondary Education Data System (IPEDS), by 2013 more than half (53 percent) of instructional faculty at Jesuit colleges and universities were non-tenured and not on a tenure track line, and 43 percent were part time.[25] Reliable income data for adjunct faculty at Catholic institutions are unavailable, but AAUP has found that the median pay per part-time faculty member teaching on a per-section basis was $4,773 in 2016-17.[26] Poorly paid adjuncts have become a cornerstone of college and university budgets, and it is easy to see why. The union-sponsored advocacy group Faculty Forward offers data indicating that Jesuit colleges saved an average of $42,109 from each class taught by an adjunct professor in 2013.[27]

An increasing reliance on subcontracting has also changed labor dynamics on all campuses, Catholic institutions included. In the 1970s, it was customary for institutions to directly employ their food service, security, janitorial, bookstore, and maintenance workers. As long as these workers were directly employed, it was easy enough to hold the institution accountable should working conditions fail to meet the standards set by Catholic Social Teaching. Since the 1970s, however, most of these services have been contracted out on most Catholic campuses, as at non-Catholic institutions. For example, three multinational companies, Aramark, Sodexo, and Compass, have come to dominate the college food service industry, and they have a checkered record on labor issues. Even though enforcement of labor laws has become spotty as a result of budget cuts, Aramark (which has contracts at Georgetown and Loyola University of Chicago, among many others) has been found in violation of labor, workplace safety, wage and hour, and employment

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[24] Lee, "Faculty Salaries, 2002-2013," p. 13; see also, Liang Zhang, Ronald Ehrenberg, and Xiangmin Liu, *Changing Faculty Employment at Four-Year Colleges and Universities in the United States* (Bonn, Germany: Institute for the Study of Labor, 2015), http://ftp.iza.org/dp9595.pdf (accessed January 9, 2018).

[25] These calculations are based on IPEDS final data release for fall 2013. These figures include all institutional faculty employees at these institutions, excluding medical schools. See http://nces.ed.gov/ipeds/datacenter/ (accessed January 9, 2018).

[26] "Visualizing Change: The Annual Report on the Economic Status of the Profession," *Academe* (March-April 2017): 33 at https://www.aaup.org/file/FCS_2016-17_nc.pdf (January 9, 2018).

[27] "Faculty Working Conditions at Jesuit Colleges and Universities" (April 2015), http://seiufacultyforward.org/wp-content/uploads/2015/03/Jesuit-Factsheet.pdf (January 9, 2018).

discrimination laws thirty-nine times since 2010, accruing fines totaling over $1.1 million.[28] Even as they rely on low-wage employees, campus food service providers continue to raise meal prices out of proportion to their labor costs. The price of college meal plans has risen by 47 percent in the last decade, according to federal data, while food prices rose by only 26 percent and the average pay of food preparation workers rose by 21 percent over that period.[29] The executives and stockholders who run these corporations have been the primary beneficiaries of these rising costs: The pay of Aramark's CEO rose by 70 percent over this period.[30]

Because the same forces that are skewing the larger economy toward greater inequality are operative on Catholic campuses, it should not be surprising that campus workers are increasingly seeking to organize unions. Given that the U.S. bishops' 1986 pastoral letter on the economy stated that "all church institutions must also fully recognize the rights of employees to organize and bargain collectively with those institutions through whatever association or organization they freely choose," one might expect that unionization efforts would not meet strong opposition on Catholic campuses.[31] In fact, however, unionization efforts on some Catholic campuses in recent years have met opposition.

To be sure, courts have long recognized limits to the reach of labor law in private and religiously affiliated colleges and universities. Two

[28] Data from the Good Jobs First Violation Tracker, http://violationtracker.goodjobsfirst.org/prog.php?parent=aramark (accessed January 9, 2018).

[29] See http://time.com/money/4636628/why-food-college-expensive. The Bureau of Labor Statistics indicates that the mean wage of a food preparation worker rose from $18,480 in 2006 to $22,920 in 2016. See Bureau of Labor Statistics, *Occupational Employment and Wages, 2006,* https://www.bls.gov/news.release/archives/ocwage_05172007.pdf (accessed January 9, 2018).

[30] According to *Forbes*, Aramark CEO Joseph Neubauer earned $1 million (exclusive of stock, stock options, and bonuses) in 2006; according to Bloomberg, his successor Eric J. Foss earned $1.7 million (exclusive of stock, stock options, and bonuses) in 2016. See https://www.forbes.com/lists/2006/12/DZ24.html and https://www.bloomberg.com/research/stocks/private/people.asp?privcapId=1004106 (both accessed January 9, 2018).

[31] United States Conference of Catholic Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy*, 1986, 86, http://www.usccb.org/upload/economic_justice_for_all.pdf (accessed January 9, 2018). See also Pope Francis's "Audience with Delegates from the Confederation of Trade Unions in Italy," June 28, 2017, http://press.vatican.va/content/salastampa/en/bollettino/pubblico/2017/06/28/170628a.html (accessed January 9, 2018), where he enjoins the union both to give "a voice to those who have none" and to maintain (if not renew) its "prophetic nature."

Supreme Court decisions helped establish those limits. The Court's 1979 decision in *NLRB v. Catholic Bishop of Chicago* found that the National Labor Relations Board (NLRB) did not have jurisdiction over teachers in church-operated schools; the 5-4 majority was anxious to avoid government interference with these schools' religious mission.[32] In 1980, the Court ruled in *NLRB v. Yeshiva* that tenured faculty at private institutions were excluded from the protections of the National Labor Relations Act (NLRA) because they held too much managerial authority to be categorized as workers under the law. But these limiting factors did not obstruct the formation of unions on Catholic campuses over the past half-century. Many institutions willingly bargained with unions of groundskeepers, security guards, maintenance workers, food service workers, and other non-educators. Moreover, some Catholic institutions recognized and bargained with faculty unions even though the law did not require them to do so, as happened at the University of Scranton.

It is natural that adjuncts would consider unionizing. The vast majority are unaffected by the *Yeshiva* and *Catholic Bishop* decisions. Unlike tenured and tenure-track faculty, they play little or no governance role in the affairs of their campuses, and the vast majority are not involved in religious inculcation. Their precarious work is generally poorly paid and lacking in health insurance or other benefits. The gains they might achieve through unionization are clear: According to a survey undertaken by the Coalition on the Academic Workforce, unionized adjuncts earn on average 25 percent more per course than their non-union peers.[33]

Yet unionization efforts at some Catholic institutions have been complicated by the institutions' concerns that the NLRB is overstepping its jurisdiction.[34] Manhattan College and Seattle University, among others, argued that the NLRB had no jurisdiction when it comes to protecting adjuncts' labor rights on their campuses.[35] In an *amicus*

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[32] For a helpful summary of *Catholic Bishop*, see "NLRB Has No Jurisdiction Over Lay Teachers in Parochial Schools, NLRB v. Catholic Bishop of Chicago, 440 U.S. 490 (1979)," *Washington University Law Review* 58:1 (January 1980): 173-187.

[33] Coalition on the Academic Workforce, *A Portrait of Part-Time Faculty Members* (2012), available at www.academicworkforce.org/CAW_portrait_2012.pdf (accessed January 9, 2018).

[34] For a definitive treatment, see Gerald J. Beyer, "Labor Unions, Adjuncts, and the Mission and Identity of Catholic Universities," *Horizons* 42 (2016): 1-37.

[35] See http://www.seattletimes.com/seattle-news/education/seattle-university-fight-to-block-faculty-union-isnt-over (accessed January 9, 2018).

curiae brief filed before the NLRB, leading organizations of Catholic higher education — namely, the Association of Catholic Colleges and Universities joined by the Association of Jesuit Colleges and Universities and the Association of Franciscan Colleges and Universities — endorsed that stand. The NLRB rejected this position in a 2014 decision called *Pacific Lutheran*, which upheld the right of most adjuncts on religiously affiliated campuses to form unions for the purpose of collective bargaining.[36]

But the Pacific Lutheran decision scarcely settled the issue. The argument for continued resistance to NLRB jurisdiction was eloquently summarized in a widely read article in *Inside Higher Ed* in January 2016 by Dennis H. Holtschneider, CM, who was then serving as president of DePaul University. Holtschneider is no reflexive anti-unionist. As a faculty member at St. John's University, he joined a faculty union; at Niagara University, he led negotiations with a faculty union on behalf of the administration. Yet, as president of DePaul, he felt it was his "unenviable" duty "to oppose organizing efforts of part-time faculty" in order to protect his institution from the encroachments of an NLRB that was attempting to decide for itself which instructors carried out the institution's religious mission and which did not. According to Rev. Holtschneider, "The freedom to determine what is or what is not religious activity inside our church is at stake."[37]

To be sure, Catholic institutions have a duty to protect the integrity of their religious mission from government interference. But resistance to NLRB jurisdiction does not necessitate resistance to unionization. The NLRB had no jurisdiction over the faculty at St. John's University when Rev. Holtschneider joined the union there; tenure-line faculty members at private institutions have had no union rights under the NLRB since the *Yeshiva* case. Indeed, as Holtschneider's own experience at St. John's and Niagara showed, Catholic institutions need not recognize NLRB jurisdiction over their faculty in order to bargain collectively with their instructors; institutions are free to recognize and bargain with unions outside of the NLRB process. In recent months, some secular institutions, such as Cornell University, have

[36] *Pacific Lutheran University and Service Employees International Union, Local 925*, Petitioner, Case 19-RC-10251, https://www.nlrb.gov/case/19-RC-102521 (accessed January 9, 2018).

[37] Rev. Dennis H. Holtschneider, "Refereeing Religion?" *Inside Higher Ed*, January 28, 2016, https://www.insidehighered.com/views/2016/01/28/new-nlrb-standard-could-have-major-consequences-catholic-colleges-essay (accessed January 9, 2018).

opted for a union election and certification process for their graduate assistants that has been overseen by the non-governmental American Arbitration Association (AAA) rather than the NLRB.[38] Catholic institutions could take the same approach. Indeed, on April 2, 2018, Georgetown concluded an agreement with the American Federation of Teachers to hold an AAA-monitored union election for its graduate assistants.[39] Whether other Catholic institutions are willing to explore union certifications of this kind outside of the NLRB will reveal much about their guiding principles.

As they wrestle with the issue of union certification on their campuses, Catholic institutions also find themselves confronting the exploitative labor trends of the broader economy through their business dealings with outside entities. This is happening in at least two ways. First, Catholic campuses, like their secular counterparts, regularly license their logos to and accept corporate sponsorships from sports and apparel manufacturers that have dubious records of protecting the rights of workers in their supply-chain factories overseas. Nike, the manufacturer with the largest presence on campuses (including such universities as Georgetown, Gonzaga, and Villanova), was found in 2015 to have relied on a factory in Hansae, Vietnam, in which workers, including pregnant women, were subjected to inhumane conditions including high temperatures that caused mass fainting.[40] Nike was scarcely an outlier in this regard. Second, campuses frequently rely on domestic suppliers that likewise have a record of exploiting labor. This is especially true for the suppliers of food on college campuses, and the poultry industry is a particularly conspicuous offender. As a cheap and versatile source of protein, poultry is more popular in the diets of college students than in those of Americans at large. The poultry processing industry, however, is among the most dangerous in the nation: A recent study showed that twenty-seven poultry workers each day suffer

[38] For a copy of Cornell's agreement with Cornell Graduate Students United agreeing to an election process overseen by the American Arbitration Association, see https://gradschool.cornell.edu/sites/gradschool.cornell.edu/files/field_file/union-university-conduct-rules.pdf (accessed January 9, 2018).

[39] Danielle Douglas-Gabriel, "Georgetown University Agrees to Allow Graduate Students to Vote on Unionizing," *Washington Post*, April 2, 2018, https://www.washingtonpost.com/news/grade-point/wp/2018/04/02/georgetown-university-softens-position-against-grad-union.

[40] Worker Rights Consortium, "WRC Factory Assessment, Hansae Vietnam Co., Ltd.," (December 2016), https://georgetown.box.com/s/6exiw3rc4pruwd2an5lt2i45fvd179i3 (accessed January 9, 2018).

amputation or hospitalization.[41] While some public school districts have begun setting minimum labor standards that poultry producers must meet before their products can be fed to students, no Catholic colleges or universities appear to have adopted similar standards.[42] It could be argued that, to the extent that campuses serve food produced by exploited workers or accept licensing or sponsorship agreements with corporations that operate sweatshops abroad, they are helping perpetuate systems of oppression.

Reviving and Applying Catholic Social Teaching to Today's Labor Problems

As the foregoing suggests, Catholic campuses are increasingly entangled in a larger economy that promotes yawning inequalities. Replicating those inequalities within their institutions exposes a contradiction between Catholic Social Teaching on workers' rights and the dignity of labor and the practices of Catholic institutions. Left unaddressed, this growing contradiction threatens to undermine the integrity of the Church's social teaching and compromise its voice as a defender of the oppressed. Disentangling Catholic campuses from the "economy that kills" will require principled and prophetic action.

Thankfully, some prophetic actions have been taken in recent years that help point the way forward. For instance, students on Catholic campuses have shown leadership through the anti-sweatshop activism that emerged in the late 1990s. In 1999, students at Georgetown University were among the first in the country to hold a sit-in in their president's office demanding that the university cancel licensing agreements with athletic and apparel firms that produced goods bearing the university's logo in sweatshop conditions. After similar agitation spread across many campuses, a new student organization called United Students Against Sweatshops (USAS) emerged. USAS, which includes chapters on many Catholic campuses, kept up enough pressure on sweatshop factories to induce universities to launch their own independent monitoring organization, the Worker Rights Consortium (WRC), in 2001.

[41] See http://www.nelp.org/news-releases/osha-severe-injury-data-report (accessed January 9, 2018).

[42] On labor standards adopted by Los Angeles schools, see "Chicken Nearly Disappeared from L.A. School Lunches. Now, It's Making a Comeback," *Los Angeles Times,* April 13, 2017, http://www.latimes.com/local/lanow/la-me-edu-healthier-school-chicken-20170315-story.html (accessed January 9, 2018).

Universities created the WRC to ensure that goods bearing their logos would not be made under sweatshop conditions. Georgetown was a founding member of the WRC, which now includes 190 colleges and universities, twenty-three of which are Catholic institutions.[43]

The WRC system is not without limitations. The organization is unable to inspect every factory engaged in university-related production and only conducts investigations when it receives complaints from workers. Further, as in the case of the Hansae factory in 2015, the WRC has had to fight to get independent access to the workplaces it is investigating. Months passed and many protests were lodged before Nike finally facilitated a visit by WRC investigators to Hansae in 2016. But agitation on Catholic campuses has helped bring about recent improvements in the WRC system. A path-breaking agreement between Nike and Georgetown concluded in August 2017 both ensures that henceforth the WRC will have access to Nike's supplier factories and bolsters remediation procedures when a violation is identified.[44] That agreement will no doubt set the template for anti-sweatshop activism at other Catholic institutions. Given that only one-tenth of all Catholic colleges and universities have affiliated with the WRC to date, there remains considerable opportunity to cut the links between Catholic institutions and sweatshop labor.

The anti-sweatshop fight in turn helped ignite living wage agitation on a number of campuses. Again, Georgetown was the locus of early action on this issue when students learned that janitors employed by a subcontracted company not only earned substantially less than those employed directly by the university, but also earned much less than a living wage. In response to student agitation, Georgetown created a Living Wage Subcommittee to study the problem. After student protests escalated to a hunger strike, the committee came forward in March 2005 with a sweeping new policy that Georgetown made a centerpiece of its campus mission, the Just Employment Policy.[45]

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[43] A list of WRC-affiliated campuses can be found at https://www.workersrights.org/affiliate-schools (accessed January 9, 2018).

[44] *Washington Post*, August 30, 2017, https://www.washingtonpost.com/news/grade-point/wp/2017/08/30/georgetown-nike-reach-pact-on-worker-conditions/?utm_term=.14e64cbfb9a3 (accessed January 9, 2018).

[45] Virginia Leavell and Kathleen Maas Weigert, "Working Towards a Just Employment Policy," *The Hoya*, May 20, 2005. See http://www.thehoya.com/working-towards-a-just-employment-policy (accessed January 9, 2018); Nick Wertsch and Joseph A. McCartin, "A Just Employment Approach to Adjunct Unionization: The Georgetown Model," in

Georgetown's Just Employment Policy (JEP) was a model document grounded in the university's identity as a Catholic and Jesuit institution. This policy mandated that all campus workers, whether directly employed or subcontracted, must be paid a living wage. It also made clear that both the university and its subcontractors would respect the right of workers to organize and bargain collectively.[46] In the years since the policy's promulgation, it has helped lift wages, correct abuses, and allow workers to find a collective voice. When workers at a campus cafeteria run by an outside contractor complained that they were not being paid in accordance with the policy's provisions (as of January 2017, minimum compensation under the policy is $16.63/hour), the university conducted an audit of the contractor's books and made sure that the pay practices were corrected. The JEP was also instrumental in helping the employees of Georgetown's food service contractor, Aramark, form a union in 2011. When Aramark's Georgetown managers expressed opposition to an organizing drive, workers brought their concerns to the university. The university in turn reached out to the CEO of Aramark, reminding the company that Georgetown expected it to abide by the JEP. "As you know, Georgetown University's mission as a Catholic and Jesuit institution includes principles and values that support human dignity in work, and respect for workers' rights," wrote associate vice president LaMarr Billups. "We expect the leadership of the companies we engage to provide services on our campuses to inform their managers, supervisors and employees of the JEP provisions in a timely manner.… We appreciate the partnership we have enjoyed with Aramark, and urge you to remain open to respectful dialogue with your employees."[47] After receiving this letter, Aramark dropped its resistance to the unionization effort at Georgetown, recognized the union, and bargained a contract with the food service workers.

The JEP also guided Georgetown's approach to adjunct unionization. When Georgetown's adjuncts began organizing a union during the 2012–13 school year, the university's top-level leadership met to review the situation. That meeting produced a clear consensus. "This seems like a straightforward issue for us to deal with," argued one of the

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Professors in the Gig Economy: The Unionization of Contingent Faculty in America, ed. Kim Tolley (Baltimore: Johns Hopkins University Press, 2018).

[46] The Just Employment Policy and a video explaining its key features can be found at https://publicaffairs.georgetown.edu/acbp (accessed January 9, 2018).

[47] Molly Redden, "Aramark workers at GU push to unionize," *The Georgetown Voice*, February 17, 2011. See http://georgetownvoice.com/2011/02/17/georgetown-aramark-workers-push-to-unionize (accessed January 9, 2018).

administrators in that meeting. "This is not a complicated decision, because we've thought through the principles on this already." University leaders decided to abide by the principles of the JEP and simply apply that policy in this case as they had in other cases.[48]

Georgetown elaborated its position in a campus-wide e-mail sent on September 28, 2012, by Provost Robert M. Groves. Groves affirmed the adjuncts' right to unionize if they chose to do so. "The university has a long history of working productively with… unions," Groves wrote. "As stated in Georgetown's Just Employment Policy, our University respects employees' rights to freely associate and organize, which includes voting for or against union representation without intimidation, unjust pressure, undue delay or hindrance in accordance with applicable law." Groves went on to say that union representatives would be allowed on campus and in buildings that were open to the public, like members of the community, as long as they did not disturb classes. While some university administrators at other institutions were asserting that the NLRB had no business regulating labor relations on their campuses, Groves encouraged adjuncts to consult the NLRB's website to learn more about their rights, and he provided the phone number of its regional office for those who had further questions. In the months after Groves sent this letter, Georgetown remained neutral and left its adjuncts to decide whether they needed a union. When the adjuncts chose unionization, the university amicably concluded a collective bargaining agreement with them that raised wages and created a professional development fund to help the adjuncts pursue their scholarly projects.[49]

Although its principles are derived from Catholic Social Teaching, to date Georgetown's Just Employment Policy remains a unique document in the community of Catholic institutions of higher education. Yet some individual institutions are beginning to move in this direction. In June 2017, a special Just Employment Task Force at Loyola University Chicago (LUC) drafted a policy that includes a living wage provision and a statement that the university "supports employees' right to represent themselves or to be represented by unions of their choice." That

[48] Opening Remarks, Provost Robert M. Groves, "Ten Years of the Just Employment Policy," November 5, 2015. See https://vimeo.com/157315075 (accessed January 9, 2018).

[49] Robert Groves, "A Message Regarding Adjunct Faculty Organizing Campaign," September 28, 2012, https://georgetown.box.com/s/ukeguiaxcihqm5f99f16o1zpgg84f1pq (accessed January 9, 2018).

report is under consideration by the university's administrators at this writing.[50]

Change is also evident on the issue of adjunct organization. Although Georgetown's benign approach to unionization initially made it an outlier, its approach has gained ground among other Catholic institutions since 2015. Saint Louis University and St. Mary's College recognized adjunct unions in 2016 without bitter fights, after both universities issued statements expressing support for their employees to make their own informed choice about unionization.[51] After initially opposing adjunct unionization and contesting the applicability of federal labor laws on its campus, LUC also began negotiating with a union of its adjuncts. In May 2017, Fordham University dropped its opposition to adjunct unionization. In a letter to the Fordham community, President Joseph M. McShane, SJ, whose own scholarship has explored the roots of Catholic Social Teaching in the United States, explained that he had become "*convinced of the rightness of this course of action" after reflection with fellow Jesuits. "After all, organized labor has deep roots in Catholic social justice teachings," McShane explained*.[52]

It is too soon to tell whether these hopeful trends will continue. At this writing, many Catholic campuses have begun grappling with the issue of graduate assistant unionization, which was permitted by a 2016 decision of the NLRB.[53] The graduate assistant union movement is bound to further test the commitment of Catholic campuses to workers' rights to unionize, which the Church has long upheld.

Yet one thing is becoming increasingly clear amid swirling labor controversies. As Catholic colleges and universities grapple with today's labor problems, they have an opportunity not only to disentangle themselves from the "economy of exclusion," but to show leadership in the construction of a more just and sustainable alternative. This task will

[50] "Loyola University Chicago Just Employment Task Force Report," June 15, 2017, p. 4, at https://www.luc.edu/media/lucedu/president/pdfs/Just%20Employment%20Task%20Force%20Report%20June%202017%20Final.pdf (accessed January 9, 2018).

[51] See https://www.slu.edu/unionization and https://www.stmarys-ca.edu/president/contingent-faculty-union-effort/messages-and-updates (both accessed January 9, 2018).

[52] See Joseph M. McShane, SJ, *Sufficiently Radical: Catholicism, Progressivism, and the Bishops' Program of 1919* (Washington, DC: Catholic University Press, 1986). McShane's 2017 letter is at http://www.justemploymentpolicy.org/fordham-cites-catholic-teaching-in-accepting-faculty-unionization (accessed January 9, 2018).

[53] For the NLRB's Columbia University decision of August 23, 2016, see https://unionization.provost.columbia.edu/sites/default/files/content/NLRB%20Decision.pdf (accessed January 9, 2018).

not be easy. Catholic institutions must navigate a world in which the costs of higher education are exploding.[54] Yet their inheritance — the rich tradition of Catholic Social Teaching on labor — confers a special responsibility upon these institutions: They are uniquely positioned to lead. Moreover, as tuition-driven institutions that generally lack huge endowments, they cannot afford to indulge the illusion that labor problems on Catholic campuses can be fixed without addressing the public policies and larger economic trends that are exacerbating those problems. Broad action on a host of policy issues, including student debt, will be necessary if we are to prevent U.S. higher education from becoming an agent of increasing inequality rather than incubator of a more just society.

This article has its origins in the author's participation in the CST Learning and Research Initiative, a collaboration of faculty and administrators at eleven Catholic colleges and universities across the United States. Through national meetings over the last five years, the Initiative has facilitated campus focus groups and collected oral histories of student understanding of CST, developed a rubric for curricular and research purposes, and conducted conversations leading to the peer-reviewed articles in this issue of the Journal of Catholic Higher Education. *For more information, see both the introduction to this issue and http://sites.nd.edu/cstresearch.*

[54] Sara Goldrick-Rab, *Paying the Price: College Costs, Financial Aid, and the Betrayal of the American Dream* (Chicago: University of Chicago Press, 2016).