

Discourse and Power

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Discourse and Power: Building Educational Pathways with Undocumented Students

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On September 12, 2013, undocumented undergraduate and graduate students testified before the University of California (UC) during the labor contract negotiations for UC Teaching Assistants, Readers, and Tutors.¹ Students described how current university policies and systems prevented equitable participation—demanding that the UC Office of the President (UCOP) administrators permit universal access to graduate Teaching Assistantships. On that day and in subsequent negotiations, undocumented students explained the profound implications university policies had on their personal and professional livelihoods. Illustrative of the sentiments expressed, a student stated the following:

I am a first year Ph.D. student at UC Berkeley. As an AB 540-eligible student and recently as a beneficiary of Deferred Action for Childhood Arrival (DACA), I have navigated our school system with the access to financial aid and on-campus work opportunities. To this benefit, I was able to finish my undergraduate degree at another UC and receive graduate fellowship to assist with my current study.² However, having such access remains to be a critical issue for many other undocumented students, especially those who are not AB 540-eligible and/or not DACA-eligible. As of now, undocumented students must be eligible for AB 540 to be considered for UC graduate fellowships and DACA-eligible for teaching assistantship. . . . As a fellow student, I cannot imagine going through the same hardship and stress had I not received DACA to be eligible for work on campus. Not only would I have to find other means to pay for my education, risk my mental and physical health, and future career. Allowing all undocumented graduate students to have the same access to teaching assistantships and other means of funding would tremendously alleviate the students' burden and further demonstrate the university's commitment to providing educational equities to all members of our community. (University of California student, personal communication, September 12, 2013)

For at the UC, a Teaching Assistantship position provides graduate students with tuition remission, is oftentimes a component of students' financial aid, and/or a requisite for degree completion.³ Evidently, undocumented students' inability to engage in this significant professional development process prohibited their retention and success in graduate school.

Undocumented student testimonies were an integral part of the contract negotiation process. Testimonies not only provided additional information about the obstacles that undocumented students navigate, but also demonstrated how operating university policies were so far removed from their reality. However, despite undocumented student participation and support from the graduate student labor union, the UC maintained its position: equity for undocumented students did not merit the university's intervention.⁴ Statements such as, "We refuse to spend any more time discussing this, as this is not in the bargaining purview," (UCOP Administrator, personal communication, September 16, 2013) and "We understand that it is difficult for undocumented students to make their way into graduate school, but this discussion is not advancing the bargaining process," (UCOP Administrator, personal communication, August 8, 2013) established the university's disposition and the challenges that lay before the labor union and undocumented students. Essentially, university administrators recognized an emerging undocumented undergraduate-to-graduate student pipeline, and they were also willing to maintain institutionalized systems and policies that perpetuated undocumented student disenfranchisement.

Perhaps further complicating matters was the recent appointment of UC President Janet Napolitano. As the former Secretary of the Department of Homeland Security, Napolitano brought forth a paradoxical relationship between her and undocumented students. On the one hand, Napolitano formally initiated the

DACA memorandum, yet in her former position, she also oversaw the deportation of nearly two million undocumented immigrants ("Secretary Napolitano"; Shen). Arguably, Napolitano's presidential appointment required her to make education equitable for all students, regardless of documentation status. Many students, scholars, and community organizations characterized her previous work experience as contradictory to the mission and purpose of the university (Hong).

Yet on June 3, 2014, after almost 12 months of negotiation, the labor union reached a tentative agreement with the university. The new collective bargaining agreement included a side letter that provided the inroads to establishing an academic development program that allowed undocumented students to assume Teaching Assistantship-equivalent experience and receive equal benefits. Indeed, this was progress for the undocumented student community; the academic program recognized the undocumented student pipeline and further established a culture of institutional support for a growing student population. On the backs of undocumented student labor, the UC graduate student labor union (United Automobile Workers, Local 2865) effectively became the first labor union in the United States to establish undocumented graduate student rights. Therein lies our point of entry, we are first-generation, undocumented, and formerly undocumented people that bargained the undocumented student rights side letter. While our work ultimately advanced discourse regarding undocumented student access to graduate school, the collective bargaining process reified our disenfranchisement.

This study critically examines the written and verbal communication dynamics between participating undocumented students and the UC Office of the President administrators during contract bargaining negotiation process. We utilize Critical Discourse Analysis (CDA) (Foucault, *Power/Knowledge*; Rogers and Schaenen) to examine spoken and written text; our analysis identifies institutional barriers and their implications for undocumented students seeking a graduate education. The findings emphasize the multidimensional nature of undocumented student marginalization, and this study expands upon the body of knowledge pertaining to undocumented student access and retention in higher education. As members of the committee that led the side letter bargaining effort, we also provide policy recommendations to combat institutional discrimination and advance equity, diversity, and inclusion for undocumented students. Ultimately, our undocumented-led advocacy challenged systems of oppression and this discourse analysis is our collective testament of what transpired.

Theoretical Framework

We employ Feminist Standpoint Theory, as developed by Nancy Harstock (1975, 1981), Sandra Harding (1983, 1990), and Patricia Hill Collins (1986, 1990). This theoretical framework seeks to critically understand the orientation of self and communities by examining the influence of social location and experiences on

the embodiment of knowledge (Intemann). Collins, in “Black Feminist Thought,” presented a matrix of oppression to examine how one’s standpoint within society not only determines the degree to which one experiences oppression, but also how the unique situated knowledge of self is in relation to complex power dynamics. The Standpoint theoretical framework requires the continual analysis of the distribution of power, hierarchical relationships, and the examination of within and between group dynamics. Drawing upon this critical reflection, communities and individuals are empowered to understand how oppressive social relations and frameworks are created and maintained. According to Standpoint theorists, research must eradicate oppressive systems (Hundleby). In essence, to espouse a standpoint perspective is to be an agent of change and help realize equity for historically marginalized populations.

Our standpoint is situated in our involvement in the contract bargaining negotiations, our respective work with various immigrant advocacy organizations, and our experiences as first-generation, undocumented, and formerly undocumented people. Specifically, we were members of the Instructional Opportunities Committee tasked with maintaining system-wide communication with undocumented student groups to work alongside the union and negotiate undocumented student rights. Subsequently, our work allowed us to identify the following aspects of undocumented students’ relationship with the university: (1) university policies and practices that prohibit equitable graduate student access; (2) specific rights and protections for undocumented students that can be negotiated through the labor union; (3) undocumented allies, university administrators, and programs that further supported the bargaining process; and (4) a mechanism to formally establish undocumented student participation within the labor union. Our aforementioned participation and identities have provided us with distinctive perspectives to analyze power structures and the ways in which hierarchical relationships influenced knowledge in this context.

Utilizing Standpoint Theory through a Critical Discourse Analysis methodology strengthens our commitment to “map the practices of power,” enacting undocumented-led production of knowledge (Harding 31). Undocumented-led knowledge production affirms undocumented immigrants’ experiences and perspectives in challenging marginalizing structures and institutions. Like other Standpoint theorists, we believe that marginalized-led discourse—in this case, an undocumented-led discourse—is epistemically advantageous to interrogating the status quo.

In conversation with the standpoint theory and the objectives of this study, we also recognize our collective positionality. We are undocumented and former undocumented, first-generation college students. Subsequently, we are members of an underrepresented and marginalized population within the academy. We had to overcome socioeconomic barriers to access our postsecondary education and these

experiences informed our personal engagement and purpose in advancing support for the undocumented community. Beyond the contract bargaining effort described in this study, we espouse longstanding student-activist histories and have sought to address educational inequities and social justice in solidarity with historically marginalized populations. When we engage in this work, we seek to transform educational spaces that were not developed with our participation in mind. We believe that is our moral obligation to utilize our position within academia to eradicate institutional inequities.

Literature Review

The Undocumented Student Postsecondary Education Pipeline

Since the Supreme Court decision in *Plyer v. Doe* (1982), which ensured free K–12 education for undocumented students, undocumented student enrollment and attrition has steadily increased (Olivas). Approximately 100,000 undocumented high school students graduate each year (Zong and Batalova). However, *Plyer* does not guarantee universal access to a postsecondary education, and state policies have largely determined the extent to which undocumented students can access a postsecondary education (Olivas). Disparate access to a postsecondary education is further compounded when tuition costs are factored in, as state policies determine if undocumented students can access in-state tuition (Olivas).

Currently, there are nineteen states that permit undocumented students to pay for in-state tuition, and each state has different requirements and varies in terms of financial aid offered to undocumented students (“Undocumented Student Tuition”). The majority (80 percent) of undocumented college students immigrate from Mexico, Latin America, and the Caribbean. Latinxs represent a large segment of the undocumented youth population (Passel and Cohn). The undocumented student population is highly diverse and includes immigrants from Asian, Eastern European, and African countries (Singer and Svajlenka). Our study is specific to California, which has the largest population of undocumented students. Nearly twenty-seven percent of the undocumented high school graduate population resides in California (Hoeffler et al.; Zong and Batalova).

Before 2001, undocumented students in California were required to pay out-of-state tuition. These exorbitant costs proved difficult for students that came from modest backgrounds. The passing of California Assembly Bill 540 (AB 540) in 2001 allowed undocumented students the ability to pay in-state tuition in California colleges and universities. Whereby any student that attended a California high school for three years and earned a high school diploma became eligible to pay in-state tuition. Yet, this bill did not open state aid or scholarship for undocumented students. Additionally, students who did not qualify for AB 540 for various reasons (e.g., consistent relocation, having arrived to the US at a later age.,

etc.) were left out entirely and also required to pay out-of-state tuition, regardless of having established residency in California. Despite the postsecondary pathway that AB 540 established, affording the cost of a postsecondary education is a barrier for many undocumented students (Abrego and Gonzales).

With the preceding in mind, there are additional factors that limit equal access and success within postsecondary institutions for undocumented students when compared to their documented peers (Gonzales, "Left Out"; Gonzales, "Learning to be Illegal"). First, undocumented students are at the mercy of college administrators and staff who determine their residency status and eligibility for in-state fees (Contreras; Nienhusser, "Role of Community Colleges"). Secondly, undocumented students oftentimes encounter administrators who are insensitive to their particular needs (Contreras). For example, some administrators are ideologically against undocumented immigrants attending postsecondary institutions. As a result, undocumented students are often apprehensive towards administrators and staff whose responsibility is to support student success. Relatedly, many undocumented students fear disclosing their legal status with administration officials due to the fear of deportation. Subsequently, many students receive inadequate information to navigate the institutional intricacies of higher education (Nienhusser, "Role of High Schools").

So then, community colleges have been the primary venue for undocumented students to receive a postsecondary education. Attending community colleges is often the only option due to rolling admissions, lower costs, and greater work/study schedule flexibility (Nienhusser, "Role of Community Colleges"). Undocumented students who have been able to persist, despite the identified challenges, have been admitted to prestigious universities. However, the absence of adequate financial aid forces many students to decline admission (Abrego; Chavez et al.; Gonzales, "Chicanas and Chicanos in School"; Perez). Even after completing their general requirements at community college, students continue to feel the financial burden of a four-year institution (Gonzalez, "Left Out"; Perez). Those who do graduate from a four-year institution are often unable to access the labor market because they lack a social security number, leading many undocumented degree-holding students to enter the informal market (Gonzales, "Left Out"; Gonzales and Gleeson; Gonzalez and Chavez).

Despite these challenges, undocumented student population at the UC has been steadily increasing. There are currently four thousand undocumented students enrolled at the UC (Gordon; UCOP). In 2013, during the time of the study, there were two thousand undocumented students, five hundred of whom were graduate students (Gordon; UCOP). These statistics highlight the initiation of an undocumented educational pipeline that was previously non-existent. Despite the increased in-state financial aid, undocumented students at the UC continue to face financial hardships. It is estimated that an undocumented student at the UC

has to pay \$5,000–\$6,000 out of pocket (UCOP). As a response to this financial need, UC President Janet Napolitano expressed her concern for undocumented students in having to self-finance their education, “these students have worked hard to achieve their dream of a university education, and I believe we should work as hard to ensure they have every chance to succeed, including providing them with access to the same resources as their campus peers,” (“UC Sponsors Bill” par. 5). The UC has also made public statements in which the success of undocumented students is vital to California's economy (UCOP). It is important to note that the UC's awareness of its undocumented student population is largely due to the dedicated activism of undocumented students and allies. From this perspective, and in the section that follows, we outline how undocumented student barriers are at the intersections of limited state and federal policies and extend beyond student finances.

Federal and State Policies at the Intersections of Graduate School Disenfranchisement

Deferred Action for Childhood Arrivals (DACA) is an administrative memorandum that allows eligible undocumented youth to receive two-year work permits and provides temporary protection from deportation. Meaning, DACA recipients have the ability to enter the formal job market, and their newfound social mobility, such as a steady income or increased wages, facilitates postsecondary affordability. Though DACA has only been enacted since June 15, 2012, and DACA is currently under review by the US Supreme Court, both DACA and state policies have established new postsecondary pathways for undocumented youth, particularly in California. There is an emerging postsecondary undocumented student pipeline (Covarrubias and Lara), and upon the completion of undergraduate education, undocumented youth are more likely to enroll into graduate and professional schools (Elias).

Previously, the small number of undocumented students completing their graduate/professional training would face professional and employment barriers. However, in California, the passage of CA AB-1559 in 2014 addressed some of these challenges for undocumented students. Under the leadership of California State Senator, Ricardo Lara, CA AB-1159 requires all forty licensing boards under the California Department of Consumer Affairs and other licensing boards to allow undocumented immigrants to obtain professional licenses. This law allows professional licensing boards to accept a social security number or an Individual Taxpayer Identification Number (ITIN) to issue a professional license. There is now an urgent need for the UC to provide adequate financial aid for undocumented students that wish to pursue a graduate education and/or obtain a professional license. The increasing number of undocumented students graduating from UC institutions, as well as the corresponding federal and state policies, has established

an emerging undocumented student undergraduate-to-graduate pipeline.

The passing of CA 130 & 131 (CA Dream Act) in 2012 solved two major issues for some undocumented students in California: it provided eligible undocumented students with access to state aid and increased eligibility to private scholarships. This altered the educational landscape for many undocumented students in California by making postsecondary education much more affordable. For example, community college students became eligible for a Board of Governors (BOG) fee waiver that covered their tuition. Specific to the UC system, California grants along with UC grants provided additional assistance in covering the rising cost of public education in the state. However, insufficient financial aid along with a lack of sensitivity by school officials remained as major obstacles that limited access to a postsecondary education.

The labor union contract for UC Teaching Assistants, Readers, and Tutors addresses various challenges that undocumented students experience within higher education. Although DACA provides renewable two-year work permits for qualified participants, many undocumented students do not meet the requirements of the program.⁵ Subsequently, many undocumented students cannot work as academic employees and are not afforded the same economic, educational, and professional development opportunities (Abrego; Abrego and Gonzales; Gonzales “Learning to be Illegal”; Gonzales, “More than Just Access”; Gonzales and Chavez; Reyna Rivarola). These opportunities are of particular importance to undocumented graduate students at the UC, as serving as a Teaching Assistant, Reader, or Tutor is often a degree requirement and/or a component of a student’s financial aid package. Ultimately, this inequitable system denies undocumented students their invaluable perspective in the delivery of the UC’s instructional mission.

Leading immigrant scholars have demonstrated the need and responsibility of educational institutions to develop progressive policies and practices for immigrant populations (Yoshikawa et al.). Specifically, Hirokazu Yoshikawa, Carola Suárez-Orozco, and Roberto Gonzales outlined the ways in which current immigration policies prevent undocumented immigrants from fully participating in society, as well as the harm that undocumented populations experience as a result of their status. Considerate of the aforementioned challenges, the findings of this study also inform how educational institutions can develop supportive resources and programs for undocumented students. Yoshikawa, Suárez-Orozco, and Gonzales call for educators to develop policies and practices that help mediate the lack of comprehensive immigration reform. To that point, our study illustrates the challenges and obstacles that exist within the academy and that can prohibit meaningful change.

Methodology

Critical Discourse Analysis (CDA) is a multidisciplinary approach aimed at

understanding the relationship between language and society. CDA has been used in an array of disciplines to interrogate fundamental assumptions about power, privilege, and oppression. As per Foucault's description of power relations, power is understood to be the degree to which a person or entity can control or influence human behavior and knowledge is regarded as discursive in practice and established through language (Foucault *Power/Knowledge*; Foucault, "What is an Author?"). The analysis of power is central to the CDA methodology, and language is not a neutral act—rather the use of language is embedded with racial, political, and cultural projects aimed at maintaining specific forms of power relations (Foucault, *Power/Knowledge*; Foucault, "What is an Author?"; Rogers and Schaeen). Because discourse is presumed as the intersection of power and knowledge (O'Farrell), discourse reproduces social and political domination within society (Rogers and Schaeen).

The purpose of CDA is to explain how discourse is constructed and examine the various forms of powers that exist. CDA is used as a tool to understand how the construction of language can illustrate both liberating and primary mechanisms of oppression. CDA assumes that language is socially constructed and, therefore, meaning and interpretation change based upon cultural, political, historical contexts. This point of reference supports the interrogation of language and illustrates power dynamics within social interactions, institutions, and bodies of knowledge (Bourdieu; Davies and Harre; Foucault "What is an Author," Foucault, *Power/Knowledge*; Gee).

We augment Foucault's (1989, 1992, 1995) framework in understanding power relationships by also employing Standpoint Theory to affirm marginalized perspectives. In "Black Feminist Thought," Standpoint theorist Patricia Hill Collins utilized the map of oppression to illustrate how forms of oppression inform power dynamics. Similarly, our ability to intentionally consider documentation status and our experiences with the university and bargaining committee provides additional context relating to the construction of knowledge and complex power dynamics. The employment of Standpoint Theory with CDA supports the CDA methodological objective to deconstruct discourse and subsequently transcend the technical and rhetorical analysis of language (Tonkiss).

Relatedly, our analysis of text sought to uncover how discourse was structured through dialogue (during the bargaining process) and took into account inflection, mood, interpersonal interaction between individuals, and body language. Per the methodology, and in consideration of the objectives of the study, the analysis of the whole communicative event also included the ways in which undocumented students were and were not included. This allowed us to explore how the absence of their participation implicated and informed power relationships. For example, examining how text was created, reproduced, and distributed within social and institutional structures provided additional context to how undocumented

discourse operated within the university community.

Document Collection and Data Analysis

In an effort to comprehensively examine the respective power dynamics of the actors within the bargaining process, we analyzed verbal communication and written texts produced during the formal bargaining negotiations that began on June 27, 2013 and concluded on June 3, 2014. The data analysis included examining the following textual documents: (1) bargaining transcripts from all bargaining sessions; (2) bargaining related communication from the UC Office of the President to the general UC community; and (3) written communication from the union leadership to the general union membership.⁶ The reason for including written communication from the union leadership was to fully account for the communication dynamics and politics outside of the formal bargaining process. Note that the bargaining transcripts comprised the majority of textual data. Similarly, as members of Instructional Opportunities Committee that worked with UC Office of the President administrators, we organized our experienced, supplemental verbal communication by topic and in chronological order. As participants, our analysis of verbal communication went beyond what was stated: we took into account how we experienced power dynamics and how their operating assumptions about undocumented students impacted the participation and emotional well-being of the undocumented committee members.

In agreement with our theoretical orientation, our data analysis was initially guided by deductive exploratory themes and a provisional set of codes reflective of our situated knowledge. Specifically, as participants of the bargaining process, we experienced three overarching discourse entities and patterns of discourse relating to each entity. Thus, the discourse entities served as our initial set of themes and the experienced patterns of discourse were identified as the start list of codes.

Table 1.

Overarching Themes and Codes	
Themes	Codes
Undocu-Student Participation	
	Experience challenges
	Inequitable access
	Student solidarity
UC Communication	
	Minimizing issue
	Silence and delay

Overarching Themes and Codes	
	Sympathy
Union Communication	
	Student solidarity
	Support
	Bargaining structure

Thereafter, the “start-list” of codes (Miles and Huberman) were inductively identified and defined utilizing NVivo qualitative data analysis software. We followed Tonkiss’s analysis guidelines in seeking to: (1) identify key themes and arguments; (2) identify association and variations; (3) examine characterization and agency; and (4) examine emphasis and silence. In analyzing all texts (outlined in Table 2), a new discourse entity did not arise and so the three themes remained for the entire data analysis process. However, additional patterns of the discourse arose deductively and inductively from the data relating to the three major themes. For example, as participants, we identified patterns of discourse as to when undocumented students provided testimony and the differentiation of experiences that was correlated to their own documentation status. This example is also illustrative of the Standpoint theoretical framework and our commitment to amplifying the undocumented student perspective, as the coding of data considered our situated knowledge but was redefined according to the inductive data analysis coding process.

Table 2.

Number of documents collected by type	
Document Type	Total Analyzed
Bargaining Transcripts	34
External e-mail union communication	22
Communication from the UC	4
Total Documents	60

Research Site

The UC’s ten campuses serve as the study site. In this case, the bargaining of the collective bargaining contract was conducted by the UC Office of the President administrators and elected representatives of the labor union (UAW 2865), as outlined in the UAW constitution. Generally, the UC bargaining committee is comprised of one administrator per campus and the labor union bargaining committee includes two representatives from each campus. The location for

bargaining sessions rotated, so as to attempt to meet in Northern and Southern California an equal number of times and include as many campuses as possible in the process.

Findings

Patterns of Silence and Invisibility

The discourse analysis revealed that from the onset and throughout the majority of the bargaining process, university representatives did not respond to the resolution of this issue. Rather, delaying a response was the most common form of communication employed by the administration. The delay tactics utilized by university administrators were exemplified in both the timeline of events and their discursive practice during bargaining. Specific to the timeline, the bargaining topic was introduced on June 8, 2013, yet the university did not provide a counter proposal until approximately one year later, on May 12, 2014. This delay occurred despite requests by the labor union at every bargaining session for an update on the pending undocumented issue, as well as its inclusion in three revised proposals submitted to university on June 27, 2013, October 3, 2013, and February 11, 2014, per undocumented student feedback.

Bargaining conversations between the university and undocumented students generally conformed to the following pattern: First, undocumented students would initiate the conversation about the need to remedy inequitable professional development opportunities. During presentations, university representatives would listen, and their body language seemingly conveyed sympathy to students' experienced challenges. However, the university administrators' responses did not communicate that they were committed to resolving the issue, as their responses were fundamentally dismissive of the issue. In the first bargaining session the administration communicated "intrigue" in the proposal and that "the university will respond at a later time, after consulting other administrators" (UCOP Administrator, personal communication, June 8, 2013). The latter response coupled with the deflection of responsibility to other administrators and challenges that needed to be overcome, was the pattern of communication from the university administrators. Statements such as: "We will respond at a later date, there is no hesitation [on our part], we are doing internal consultation at this time" (UCOP Administrator, personal communication, July 24, 2013); "We have had discussions and need to respond to you at a later time" (UCOP Administrator, personal communication, March 20, 2014); "The University still has internal questions we need to do research on" (UCOP Administrator, personal communication, April 15, 2014); and more forceful statements, such as the following, echoed sentiments that prolonged and/or dismissed resolution of the issue.

This is not going to be resolved in the next 30 days. There is not a simple resolution to the fairness and access issues, and you've made good points. If these people

[undocumented students] get teaching assistant appointments, it is our hope that they would be treated the same as any others [documented students]. However, there are obstacles that we need to look into and at this time, we are not open to signing or agreeing to anything at this time. (UCOP Administrator, personal communication, August 9, 2013)

During this phase of the negotiation process, the message on behalf of participating undocumented students to the university was consistent: present policies and systems prevented equitable graduate school access and retention. Undocumented students and allies would submit both their written support and/or attend bargaining session to communicate challenges experienced and urgently insist a timely resolution of the issue. For example, a student stated the following, after administrators communicated that the university did not have a bargaining update:

I am an undocumented student and I don't feel like you [the university] understand how hard it is to just make it through as an undergraduate. Even though I am interested in going to graduate school and have the grades to make it, it seems like it's not possible and it's partly because I can't fund my graduate education on my own and do not qualify for DACA. This is your [the university's] opportunity to make it possible. We want greater opportunities for all students at the UC and I am in support of my undocumented brothers and sisters. (University of California student, personal communication, November 25, 2013)

However, despite frequent explanations of how undocumented students faced additional challenges and the severe implications these challenges had on their personal and professional livelihood, a shift in the discourse did not occur until December 4, 2013. On this day, university administrators suggested to move the bargaining process forward—they told participants that it would be best to meet with the President of the University, Janet Napolitano, to discuss the bargaining proposal. We spoke with Napolitano and summarized the current university policies that prevented undocumented student graduate access. After our presentation, Napolitano indicated that she understood that all graduate students should be supported. It was the first time a university administrator established the need for the university to intervene and support undocumented graduate students. On May 12, 2014, two bargaining sessions after meeting with Napolitano and recounting Napolitano's support within the bargaining sessions, university representatives provided the first counter proposal and the formal bargaining process began.

As participants of this process, we experienced the university's delay tactics as dismissive, insulting to our undocumented identities, and contrary to public institutional statements of commitment to diversity. It seemed that no matter how thoroughly we explained challenges perpetuated by university policies and practices and/or proved disparate treatment of students, our self-advocacy was ultimately perceived as a non-starter by university administrators. Their passive and dismissive engagement with us perpetuated our feelings of marginalization and invisibility. At the time, there were no formal avenues to resolve discriminatory policies and

practices for undocumented students within the university system. Administrators communicated that these issues could not be resolved during bargaining indicated to us that we were not regarded as full members of the community. We believe that delay tactics both prohibited a collaborative partnership between undocumented students and administrators as well as prevented a resolution-based approach to the problems that were presented.

Sympathy as Interpersonal Violence

In part due to the delay tactics utilized by university administrators, we experienced additional forms of marginalization when university representatives expressed sympathy and/or stated that they understood the challenges that undocumented students faced. Statements such as, “Yes, this is difficult and we understand that you’re committed to finding a solution” (UCOP Administrator, personal communication, July 23, 2013) and “I’m sorry that you [undocumented students] find yourself in this position” (UCOP Administrator, personal communication, September 12, 2013) were experienced as hollow expressions of compassion. As the delay tactics lengthened over time, we began to feel that university administrators were merely trying to maintain an appearance of sympathy, as their actions demonstrated otherwise. If the university truly had an empathetic position, then administrators would have fostered a bargaining process that was supportive and solution-oriented. Take for example these two statements of sympathy on behalf of the university representatives:

We have heard very, very clearly that undocumented workers are an important issue. We even have some sympathy. However, we do believe that is a subject of bargaining that we are not interested in pursuing . . . the university is not espousing this policy the US government is. You are all aware of the avenues to discuss this because you are passionate about this issue. We are not in a position to bargain over people who are not qualified to be in the bargaining unit. Until the law changes, we are not in the position to employ them [undocumented students] as university fellows. (UCOP Administrator, personal communication, October 9, 2013)

I think we have responded [to your concerns] and we continue to discuss it and raise it internally. The university is sympathetic to the cause, but the reality is that it isn’t a university decision, it’s a federal decision, if undocumented students have the right to work they will be treated equally . . . but their right to work is not something that we can negotiate. We are in no way unsympathetic, but I think the university is looking at ways to improve the status of undocumented students. (UCOP Administrator, personal communication September 12, 2013)

These two statements from university administrators were emblematic of the phase in the bargaining that allowed little to no room for negotiation. This and similar types of statements indicated to us participants that sympathy was invoked by administrators as a strategy, and had the unintended consequences of creating distance between students and administrators. The data analysis revealed that the administrative intent behind these statements was to limit a substantive discussion and/or prohibit resolution of the issue. Sympathy statements led us to conclude that

administrators were saying these things, not because they felt genuine concern, but because they had to maintain a public relations image that appeared supportive of undocumented students. This interaction was experienced as interpersonally violent when it became apparent that this was their most frequent rhetorical tool coupled with communicating additional delays in the process.

Per our situated knowledge, university administrators seemed ignorant to the fact that undocumented student participants took great risks in disclosing their legal status. For the sake of productively engaging with university administrators, undocumented students disclosed intimate details about their struggles within the academy. Since their testimonies were not delivered in a safe space, undocumented students were extremely vulnerable in speaking about their oppression to powerful authority figures. Retelling their experiences with authenticity often triggered strong emotions. Our interaction with the university obligated us to navigate these dynamics in a manner that would not compromise the bargaining process.

This interaction revealed a critical power dynamic: undocumented students took risks to complete the work of the university while administrators did not. The dynamic also reflected sites of interpersonal violence, as university representatives were in protected positions while undocumented students and allies contended with the emotional work and vulnerabilities entailed in the process. In these exchanges, interpersonal violence was not experienced as a physical exertion of power; however, the intersections of power dynamics and the administrators' ability to demonstrate a lack of concern perpetuated a form of marginalization that did not recognize our human dignity and was ultimately interpersonally violent. A genuine response on behalf of administrators would have included sympathetic statements as well as a conversation of substance. Sympathetic statements should not have served to close a discussion nor take the place of genuine dialogue. The use of sympathy as a strategy communicated to us as participants that the administrators were more concerned with maintaining the appearance of concern and compassion, as opposed to resolving issues of access and equity.

Exploiting Undocumented Student Labor

The university's delay tactics and sympathy were accompanied by another communication pattern that implicated the exploitation of undocumented student labor. A work dynamic was established by university representatives in which participating students were expected to do the super-majority of work. Specifically, throughout the negotiation process until the bargaining contract was finalized, university administrators communicated the extent of the work that needed to be completed. Questions, such as: "How many undocumented students are in the system and what is the projected graduate school attendance?" (UCOP Administrator, personal communication, May 28, 2014); "Which UC programs are similar to what you propose and what language do they use?" (UCOP Administrator, personal communication May 29, 2014); "How is your proposed

solution impacted by AB540?” (UCOP Administrator, personal communication, May 28, 2014) and “when can you have this done by?” (UCOP Administrator, personal communication, May 12, 2014) signaled to us as participants how little the administration knew about the issue and their workload expectations of us as participants. These questions also communicated to us that in order to move the bargaining process forward, we needed to respond to their requests for information and ultimately complete the work to arrive at a proposed solution.

As participants of this process, we had to complete the following tasks during the bargaining process: (1) draft numerous versions of the side letter; (2) solicit undocumented student feedback throughout the UC system; (3) identify the university reports that contained data in regards to the undocumented student population and project potential graduate populations; (4) report all foreseeable costs relating to increased undocumented student enrollment; (5) identify programs within the UC system that provided professional development for undocumented students; (6) draft program proposals; (7) consult on an ongoing basis with key institutional figures, including lawyers, ally-professors, and department chairs; (8) coordinate communication with UC undocumented student coordinators; and (9) continuously educate university administrators about immigration policies and how these policies impacted proposed solutions. With the exception of completing internal university information requests (that had to be completed by administrators due to the nature of data collection processes), it was our understanding that as participants of the process, we did the super-majority of work in designing new university policies. This interaction placed an overwhelming share of the burden on us as student-participants, when, in fact, we were already overworked and strained for time and money.

This work dynamic perpetuated negative interactions between us as participants and university representatives. On average, the university administrators we interacted with earn six-figure salaries. They are paid by the state to actualize the university mission statement, including addressing issues pertaining to student retentions and access. In contrast, the advocacy work that undocumented students engage in is often unrecognized and rarely compensated. Though we passionately engaged in this campaign to support the undocumented student pipeline, it is important to note that the work that we did for the university was time-consuming, costly, emotionally draining, and unpaid. Yet, the expectation throughout the bargaining process was that we engage in policy development, regardless of the costs, work completed, and time requirements. As examples, when undocumented students participated in this process, they had to take time off work to attend bargaining sessions and complete assigned work, and they had to personally assume the costs of travel-related expenses.

The operating assumption on behalf of the university administrators was that students would volunteer their time on an ongoing basis to advance the

undocumented side letter. Our situated knowledge confirmed that the university had both the capacity and responsibility to carry out this work for its students. Given that knowledge, we experienced the work dynamic as exploitive. Certainly, any institutional changes pertaining to undocumented student access and retention would require collaboration between undocumented students and administration. As participants of this process, we did not expect instant, unilateral change from the UC. However, we did—and do—expect institutional representatives to be proactive and facilitate our participation in establishing equitable policies. An ideal working relationship with the university would prioritize undocumented student input, share the workload, and, at minimum, cover the costs of student participation.

Recommendations for Working with Undocumented Students

Given the aforementioned challenges we experienced in working with university representatives, we present these recommendations as a foundation to re-imagine university policies and interactions when working with undocumented students. The following recommendations seek to guide educators and policymakers so that key university figures can interact with undocumented students in a manner that is supportive of their needs and considerate of disparate power dynamics. Ultimately, these recommendations will not only foster a collaborative approach, but expedite the process of addressing institutionalized inequities.

First, university administrators need to complete UndocuAlly trainings.⁷ This is particularly important for administrators that work to develop institutional policies and practices, as undocumented students are impacted by their decision making. These trainings need to be ongoing and established by the university as a component of their duties. The administrators' participation in UndocuAlly training will facilitate their information gathering process and can help foster active engagement with the undocumented community. UndocuAlly trainings are available at the UC and aim to help educators understand how challenges are compounded by undocumented students' intersecting identities. We hope that these trainings will help establish a safe space for undocumented students to interact with university administrators. In addition, the administrators' active participation in these trainings would alleviate the work involved in having to educate administrators on the current undocumented political or legal landscape. We also believe that these trainings will provide administrators the tools and resources to help combat anti-immigrant sentiments that make undocu-led advocacy all the more difficult.

As a means to further facilitate undocumented student support, university administrators need to develop communication practices that promote transparency and accountability. As such, when working with undocumented students, university administrators need to provide a clear outline of work completed, expected

deadlines, and include the names and positions of other administrators that are completing said assignments. This would help prevent university administrators from utilizing institutional bureaucracy as a delay tactic. By failing to provide comprehensive report backs, university representatives establish an untrustworthy relationship between undocumented students and administrators that can inhibit work productivity and resolution of issues.

Should the university representatives and undocumented students form a committee, it is our recommendation that all of the committee members establish mutually agreed-upon objectives and timelines. The committee needs to consider the consequences of inaction and subsequent delayed timelines. Specifically, protocols need to be established so that responsibilities and consequences for work not completed are outlined. This important step will help all members of the committee understand the urgency of the outlined objectives and expedite progress in a respectful manner.

The university needs to provide participating students with monetary compensation for work/reports completed, assume all travel costs, and cover missing wages. The student participants are essentially doing the work of the university administrators, and this work needs to be recognized as such. University administrators cannot place additional economic burdens on undocumented students, as undocumented students frequently come from economically disadvantaged backgrounds. This is particularly important, given that delay tactics exhaust the marginalized resources of undocumented students and take on a physical and emotional toll on participating students.

University representatives should not express sympathy to undocumented students without having a resolution-based approach. Sympathy without resolution is interpersonally violent, and undocumented students cannot be tasked with the additional emotional work of managing trauma in hostile settings. Administrators need to acknowledge the risk that undocumented students have taken in speaking authentically about their experiences by working to resolve identified challenges. Relatedly, the university must establish a mechanism of accountability for administrators that interact with marginal populations. There needs to exist a procedure wherein grievances can be voiced and there is a process for reconciliation, so that there are avenues to equalize the power dynamics present between students and administrators. The underlying objective of these protocols needs to correct operating assumptions that are insulting to undocumented student identities.

Further, our experience emphasizes the need for members of the committee to have access and constant communication with a progressive legal team. This will help ensure that participants understand the limits of the law and the implications of proposed policy changes. This legal approach will help establish “work-around” language so as to implement innovative and alternative pathways for policy to take hold. In addition, upon the establishment of new state and federal laws and

regulations, the legal team must brief the committee on possible implications to university programs and policies already in place. Lastly, the university must acknowledge that this work cannot be accomplished without undocumented student-led participation and leadership. Our presence within postsecondary institutions validates institutional efforts to support access and success for historically marginalized populations.

Discussion and Conclusion

The university communication process during bargaining was symptomatic of business-as-usual negotiation tactics. However, we experienced administrative communications as interpersonally violent. Whereas undocumented students were an essential resource in helping to inform the limitations of current policies and practices, university administrators were oftentimes dismissive of their insights and advocacy. Specifically, during bargaining, well-paid and highly-trained administrators dismissed the aspirations of undocumented students and exploited our labor. As participants of this process, we felt that university administrators heavily relied on our dedication to our struggle. The recommendations of this study can be succinctly stated as follows: when developing university policies, administrators must proactively consider the impact of policies on undocumented students. Further, university administrators have the responsibility to foster trust and collaborative mechanisms to develop policies that are supportive of undocumented students.

The findings of this study also extend literature regarding undocumented student access and retention. Similar to previous studies (i.e., Contreras; Nienhusser, "Role of High Schools"; Nienhusser, "Role of Community Colleges"), this study confirmed that outside factors exist that prohibit equal access and retention for undocumented postsecondary students when compared to their documented peers. The findings not only identified specific policies and practices prohibiting equal graduate school participation, but also demonstrated the additional work undocumented students needed to do in order to self-advocate for equitable treatment. Contreras and Nienhusser ("Role of Community Colleges") described how undocumented students were often at the mercy of college administrators who determined their residency status and eligibility for in-state fees. As participants of this process, we also felt that our progress was at the mercy of university representatives. In addition, university representatives communicated in a manner that was frequently insensitive to undocumented students' needs; we had to navigate the fear and pressure of disclosing our status and the details of how we persist in our postsecondary and graduate education.

This study is another example of the advocacy work of undocumented students. In response to the call for policies and practices that address the limitations of the current immigration system (Yoshikawa et al.), we hope that the recommendations

presented will help postsecondary institutions establish a supportive culture to our advocacy. We echo the findings of Yoshikawa, Suárez-Orozco, and Gonzales in that making meaningful institutional changes in support of undocumented populations is important, especially given the increasing numbers of undocumented student enrollment within higher education institutions. Our experience also helps combat the oft-cited institutional assumption that obtaining an undergraduate education is all an undocumented student can hope to accomplish.

As members of the Instructional Opportunities Committee, we believe that much of our work could have been accomplished during the bargaining process. Particularly, if the university had agreed to create an ad-hoc committee when first suggested, much of the work would have been completed independent of the resolution of the union contract. Despite the fact that the patterns of discourse changed after meeting with Napolitano, months of bargaining without progress severely strained the relationship between university administration and participating undocumented students.

Evidently, undocumented students are not integral to a diverse student body, but institutions are obligated to uphold equal opportunities for all students. As educators seek to understand the undocumented student experience, critical analysis of the discourse regarding support and advocacy for undocumented students is central to understanding the limitations of the institution. Furthermore, educators should reflect on how best to amplify an undocumented student-led discourse within academic spaces in a supportive environment.

The UC system is arguably one of the more progressive institutions for undocumented students, employing system-wide resources and advocating for undocumented student safe spaces. Yet, the themes that emerged from the discourse indicate that administrators are still struggling to understand the basic needs of undocumented students when undocumented status necessitates immediate support from the university. Policies found to limit undocumented students' ability to equitably access a postsecondary education should necessitate intervention and support without staunch debate and resistance. Rather, it is the responsibility of administrators to facilitate and support an emerging undocumented graduate student pipeline. Undocumented students already encounter extraordinary challenges in order to pursue a higher education, and facing marginalization within their educational spaces should not be another challenge.

Notes

¹ University of California Teaching Assistants, Readers, and Tutors are unionized and represented by the United Automobile Workers (UAW) Local 2865. Presently, the union represents over thirteen thousand student-workers across the University of California system.

² The student was a Deferred Action for Childhood Arrivals (DACA) recipient and was able to access the California nonresident tuition exemption status (Assembly Bill 540). DACA is an administrative memorandum, whereby new bureaucratic practices were mandated by President

Barack Obama, allowing eligible undocumented youth to receive two-year work permits and temporary relief from deportation. Assembly Bill 540 or AB 540 allows undocumented youth to access in-state tuition in California if they have attended high school in California and received a high school diploma or equivalent. While both policies realized access to higher education, the student experienced additional educational barriers due to their undocumented status.

³ The collective bargaining agreement outlines the rights and benefits of the UC academic student employees and includes: an established wage scale and wage increases, tuition remission, healthcare benefits, childcare subsidies, appointment security, medical and family leaves, and workload protections.

⁴ The use of the word “support” merely refers to the union’s ability to include undocumented student rights in the contract bargaining negotiation process and not the ways union members communicated, interacted, and/or supported undocumented students throughout the process.

⁵ The following are the requirements a person must meet to qualify for DACA, per US federal regulations: (1) Were under the age of thirty-one as of June 15, 2012; (2) Came to the United States before reaching your sixteenth birthday; (3) Have continuously resided in the United States since June 15, 2007, up to the present time; (4) Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS; (5) Had no lawful status on June 15, 2012; (6) Are currently in school; (7) Have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and (8) Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

⁶ As outlined by the contract bargaining timeline, from June 27, 2013 to June 3, 2014. Bargaining sessions were open to the public and were transcribed verbatim, there were a total of thirty-four bargaining sessions. For the purposes of this study each bargaining session is a separate bargaining date.

⁷ UndocuAlly is a term that refers to a campus training for university administrators, faculty, and students that serves to provide information about the undocumented population and how a participant can be a campus ally to the undocumented student population.

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