

## ***‘Scary and Daunting’: Dartmouth Players Detail How Union Plan Came Together***

On Tuesday, the historic 13-2 vote by the men’s basketball team to unionize took a significant step toward classifying student-athletes as employees.



**By Billy Witz**

Billy Witz reported from Hanover, N.H.

March 5, 2024

Members of the Dartmouth College men’s basketball team congregated at the stately Hanover Inn near campus on a dreary, drizzly Tuesday and walked over to a small office building where they smiled for a group photo. Then they went up to a second-floor conference room and took a vote that had been six months — or rather, many years — in the making.

When the yellow sheets of paper were tallied and certified about an hour later, the basketball players had accomplished something no other college athletes had done.

By a 13-2 vote, they had formed a union.

“It’s definitely becoming more real,” Cade Haskins, a junior on the basketball team and a leader of the effort, said to about a dozen reporters after the vote. “We know this could potentially be making history. That wasn’t the reason we were doing it, but to do that can be scary and daunting.”

Haskins expressed hope that his peers across the Ivy League and the rest of the country would soon be recognized as employees under federal labor law — a classification that has been a red line for college sports leaders who would be forced to share revenue directly with athletes.

But at a time when college sports’ amateur model is buckling under the strain of antitrust lawsuits, unfair labor challenges and waning support in Congress, it is unclear whether Tuesday’s election will be remembered as a signature moment or a footnote.

There is no visible movement to organize by other Dartmouth teams. And a reminder that the case is far from final arrived just before the vote: Dartmouth filed an appeal of a regional director’s decision last month to classify the players as employees to the full National Labor Relations Board, which has jurisdiction only over private employers.

(Nearly a decade ago, a regional director awarded the Northwestern football team the right to vote to form a union, but when the board declined to assert jurisdiction in the case, the votes, which had been impounded, were destroyed before they could be counted.)



Dartmouth is a somewhat unlikely hub of activism. Caleb Kenna for The New York Times

Dartmouth could eventually take the board's decision to a federal appellate court, meaning that the case may not be resolved until the current players have graduated.

In a statement, the college called the unionization vote inappropriate: "Classifying these students as employees simply because they play basketball is as unprecedented as it is inaccurate."

Also on Tuesday, a House of Representatives subcommittee announced a hearing next week titled "Safeguarding Student-Athletes from N.L.R.B. Misclassification."

When asked how far the Dartmouth players were from the finish line, Haskins said, "We're closer than we started."

The vote is the latest flex by organized labor, whose nationwide activity — and popularity — has, with the backing of the Biden administration, surged to levels not seen since the 1960s.

Still, Dartmouth is a somewhat unlikely hub of activism. It does not have a rich history of rabble rousing like the University of California, Berkeley. The war in Gaza has not roiled the campus to the extent that it has at other Ivy League schools. The school is in a remote location and has the smallest enrollment in the Ivy League (4,556 undergraduates), providing organizers with only so much oxygen in a place whose independent streak is imbued in the state motto: Live Free or Die.

Yet, the basketball team is just the latest Dartmouth group to organize in the last two years, following student workers, graduate student workers and library workers. The dormitories' resident advisers are in the process of forming a union.

"The last few years have been a whirlwind of labor activity in this tiny, rural place," said Marc Dixon, the chairman



of the Sociology department, who studies labor issues. “The pace has been really wild.”

Perhaps not surprisingly, this local wave of activity had its roots in the coronavirus pandemic.

When Dartmouth students returned to campus under a hybrid schedule in the fall of 2020, students who worked at the two campus eateries felt stuck. They needed the \$11-per-hour jobs, but they also felt especially vulnerable to the virus.

Around the time when the food service workers began to organize, their effort received a boost: Dartmouth announced in the fall of 2021 that its endowment had generated a whopping 46-percent return in the previous fiscal year, climbing to \$8 billion. (Dartmouth said at the time that it would raise its minimum wage from \$7.75 to \$11.50.)

About six months later, the food-service workers had voted to unionize.

When negotiations with the college lagged, the workers voted to strike in February 2023. Dartmouth immediately relented — bumping food service workers pay to \$21 per hour, along with agreeing to sick pay for Covid-19 and overtime for late-night shifts.

“As a freshman, you’re not in position to get a research job,” said Ian Scott, a senior who worked in the dish room at a campus cafe and was an organizer. “Dining service is where you go when you can’t be choosy. Many people who work there were — and still are — low-income people of color who need aid.”



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Watching this play out was Haskins, who worked at a dining hall. He also plays basketball. (About half of the team members have jobs at the school.)

Haskins, a junior from Minneapolis who is a policy, philosophy and economics major, had struck up a friendship with Walter Palmer, a former Dartmouth player who works in the alumni office. Palmer, who remains the most recent Dartmouth player to be drafted by the N.B.A., in 1990, helped form the first players' union in Europe and has also worked for the N.B.A. Players Association. He connected the players with the local Service Employees International Union — and other influential figures like Tony Clark, the head of the Major League Baseball Players Association.

Soon plans were made for taking their case to the N.L.R.B. in September, after the three freshmen on this year's team arrived. (Haskins and Romeo Myrthil, a junior from Solna, Sweden, who is studying computer science, were viewed as ideal leaders because they would not graduate until next year.)

“We take an oath to organize the unorganized, but it doesn't really say what that means,” said Chris Peck, a painter who is the longtime president of Local 560. “College athletes — how does that fit? You assume they come from money and they've got the world by the tail. Then you hear that they're working jobs on top of going to practice and studying. It was a similar story as the dining workers.”

This case, though, does not fit neatly into any box.

Dartmouth, like the rest of the Ivy League schools, does not offer athletic scholarships — only need-based financial aid. And the basketball team did not reap tens of millions like Kansas or Kentucky. In fact, it is subsidized by Dartmouth, which has incurred more than \$3.2 million in losses operating the program over the last five years, according to testimony at the hearing. (Distributions from the N.C.A.A. men's basketball tournament and the Ivy League television contract with ESPN are categorized as athletic department revenue.)

In granting the players employee status, the regional director hearing the case, Laura A. Sacks, ruled that the six pairs of basketball shoes (valued at \$200 apiece) given to players each season and the two to four tickets that players are provided to each game for their family and friends served as compensation and thus place the players under the college's control.

She also ruled that another form of compensation is access to the “early read” admissions process because of their value as basketball players.

Those are among the issues that Dartmouth, which recently hired the same lawyers who are representing the University of Southern California in an N.L.R.B. case asserting that football and men's and women's basketball players are employees, is pushing back against in its appeal to the full board. The law firm, Morgan Lewis, also represents SpaceX, Amazon and Trader Joe's, companies that have challenged the authority of the N.L.R.B.

While there seems to be general support for the basketball players, there does not seem to be widespread eagerness on campus to take on the hard work of organizing athletes in many of the other 33 sports that Dartmouth sponsors.

New rules allowing athletes to make money from endorsements has prompted them to think about their circumstances, a member of the men's hockey team said.

“I think guys are comfortable with the way things are,” said the player, who asked to not be identified because he had not received authorization from Dartmouth to speak with the news media. “We get to play hockey and go to a school that we're super thrilled about. It's a choice we make to come here, and so you accept the pros and the cons.”

He also noted that the team is having its best season in nearly a decade.

That is not the case with the men's basketball team, which has had a desultory season, anchored in last place in the Ivy League. But when the Big Green staged a spirited rally to defeat Harvard on Tuesday night, it allowed them to conclude their 6-21 season with a smile — and a second victory on the day.