Removing Faculty: Patterns and Processes of Retrenchment and Restructuring

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This article uses 30 years of investigatory and special reports by the American Association of University Professors' Committee A on Academic Freedom and Tenure to understand how retrenchment and restructuring practices have been enacted on ways detrimental to both individual and the corporate faculty. Informed by changes in the logics in higher education and broader understandings of retrenchment, we identified larger patterns of where retrenchment and restructuring in violation of academic norms took place. We further identified three main themes in the reports: Declaring Exigency and / or Launching Restructuring, Faculty Roles and Rights during Retrenchment/Restructuring, and Criteria Used in Removing Faculty. Together, they demonstrate how faculty were excluded from decisions to declare financial exigency or undertake restructuring, denied meaningful roles in enacting changes once exigency or restructuring had been announced, were targeted for removal in violation of tenure rights, and were denied academic due process.

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U.S. higher education is experiencing a wave of restructuring and retrenchment. Numerous institutions have responded to the threats posed—and perceived opportunities provided—by the Covid-19 pandemic by dismissing faculty and other employees, closing academic programs, and reshaping their institutions. The University of Akron, for example, eliminated almost a hundred full-time faculty positions over the protest of its faculty union. Citing a $20 million budget shortfall, Canisius College laid off 22 full-time faculty members and eliminated academic programs. Medaille College discarded its faculty handbook and changed from a traditional tenure system to one of 3-year contracts. Numerous other college and universities have acted likewise, leading to a multi-institution investigation by the American Association of University Professors (AAUP). In May 2021, it condemned the "opportunistic exploitations of catastrophic events" (Bérubé et al., 2021, p. 2) through which institutions "close[d] programs and [laid] off faculty members as expeditiously as if colleges and universities were businesses whose CEOs suddenly decided to stop making widgets" (p. 3). Although the scope of these activities has been stunning to many, the existence of such actions should not be—colleges and universities frequently retrench faculty and other workers in times of financial crisis, both real and alleged. While retrenchment can be undertaken thoughtfully in response to genuine financial exigency, it has often been weaponized for use against the faculty.

In light of this ongoing crisis and the clear need for better recognition and understanding of how retrenchment can and has been used, we consider faculty retrenchment over the three decades leading up to these current events. We do so based on our analysis of reports by the AAUP's Committee A on Academic Freedom and Tenure and its Special Committee on Hurricane Katrina and New Orleans Universities. For more than a century, the AAUP has been a vital voice in higher education. Its foundational 1915 *Declaration of Principles* (Seligman et al., 1915/1954) outlined threats to academic freedom, rights to be protected, and professorial duties. The 1925 Conference Statement on Academic Freedom and Tenure (1925/1954), which the AAUP. negotiated primarily with the Association of American Colleges, was a step toward bridging gaps between administrator and professorial understandings of the concepts and needed protections. It included that retrenchment "because of financial exigencies should be sought only as a last resort, after every effort has been made to meet the need in other ways and to find for the teacher other employment in the institution" (p. 86). The 1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments (1940/1970), again negotiated with the Association of American Colleges, was central to the establishment of academic freedom, academic due process, and the modern tenure track. The statement recognized that tenured faculty members could be terminated under "extraordinary circumstances because of financial exigencies" (p. 15) when they were "demonstrably *bona fide*" (p. 16). The AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (2018), dating to 1957 but revised multiple times, included the necessity

of faculty roles in making exigency decisions, determining if retrenchment is warranted, enacting any such efforts, and in closing programs for education reasons.

AAUP statements and the ends to which they serve have been informed and aided by the reports resulting from Committee A investigations into alleged violations of professors' rights. Dating to 1915, these investigations have both detailed situations at specific institutions and helped shape the contours of academic freedom more broadly. As Finkin and Post (2009) argued, they comprise "a rich and useful common law of academic freedom" (p. 6). Investigations are undertaken in select cases with *prima facia* evidence of a violation of AAUP principles. As we discuss below, numerous scholars have used Committee A reports to better understand the conditions of higher education, but no peer-reviewed research based on them has centered retrenchment since Slaughter's (e.g., 1993) considerations of reports from the 1970s and 1980s. For this article, we examined reports from the three ensuing decades to answer the following questions:

1. What temporal, regional, and institutional-type patterns of retrenchment are evident in Committee A Reports from 1990 to 2019?
2. What retrenchment practices and priorities are evident from 1990 to 2019?
3. How have retrenchment and restructuring been used to discipline faculty and enact administrative priorities?

Literature

This article is informed by both the literature on faculty retrenchment and that which used Committee A Reports as their primary data source. As Rhoades (1993) argued, early work on faculty retrenchment emphasized administrative perspectives, offering guidance about decision making in times of crises (e.g., Alm et al., 1977; Mortimer, 1981; Pondrom, 1981). Kerchner and Schuster (1982) suggested that, in some cases, institutional leaders should even prompt crises for the purpose of enacting significant change. Some literature specifically pointed to ways to navigate legal impediments to removing faculty (e.g., Olswang et al, 2003). Volkwien (1984) showed that an inclusive, strategic process could mitigate damage and set an institution up for future success. Numerous scholars, however, have noted that formal planning is often lacking (e.g., E. A. Dougherty, 1981; Olswang, 1982–1983).

While recommendations assumed rational actions, scholars increasingly considered how and on what bases decisions were actually made. Ashar and Shapiro (1990), found that *procedural* rationality could explain retrenchment actions, regardless of whether decisions themselves were rational. Others, though increasingly pointed to the importance of

power and legitimacy in determining who and what is cut (e.g., Gates, 1997; Gumport, 1993; Hardy, 1990; St. John, 1995). For example, in studies of program closure at four institutions, Eckel (2002) concluded that institutions often did not make closure decisions based on established criteria or decision rationality, relying more heavily on considerations of power. Eckel (2000) argued that shared governance procedures could help navigate the challenges but others argued that faculty roles did not necessarily improve outcomes or morals (e.g., D. Williams et al., 1986). Kerlin and Dunlap (1993) found that negative effects on faculty morale were especially pronounced for female faculty, as retrenchment often affected programs where women were more prevalent.

The other approach in the literature involves examinations of clauses in union contracts, often finding significant variations in contracts but continued administrative control (e.g., Lussier, 1975; Rhoades, 1993, 1998). K. A. Dougherty et al. (2012), for example, uncovered some contracts with strong protections for faculty but also vagueness in language and vulnerability for nontenure-track faculty. Together, works on contracts shows both the possibility for strong protections but also limitations to what has often been negotiated.

While Rhoades (e.g., 2017) and colleagues have continued to consider retrenchment provisions as part of analyses of union contracts, much of the larger field has moved away from the specifics of faculty and budget retrenchment to broader issues of the restructuring. Gumport and Pusser (1997), for example, identified restructuring as a response to a "postretrenchment context that assumes significant administrative cuts have already been made" (p. 3) and argued that, in the 1990s, it was due to "structural shift in funding" (p. 8). More recently, Gumport (2019) offered nine case studies that showed how institutions navigated the rise of industry logic. Restructuring was "justified as a solution to numerous challenges" including budget reductions and accountability demands (p. 38). While Gumport's analysis complicated negative interpretations of changes in recent decades, it also pointed to changes in the legitimating purposes of higher education.

This article also builds on literature using Committee A reports to examine conditions of the faculty. Metzger's (1961) early analysis showed that investigations were less likely to find violations than might be assumed but that when they did, the violations were most often related to intramural concerns. Especially during the Great Depression, cutting "staff in an effort to economize" (p. 218) was prevalent. Bahr (1967) found that cases most often occurred in large, public, and secular institutions. In a series of articles, Lewis (e.g., 1964, 1973) charted changes in central issues involved in dismissals over time, from difficulties in personal relations, through financial constraints, to ideological pressures from outside and then inside the institution. More recently, Cain (2020) used the reports to consider how collective bargaining factored into violations of academic freedom.

These literatures come together in Slaughter's (e.g., 1988, 1993, 1994) qualitative analyses of Committee A reports from the 1970s and 1980s. She found that retrenchment was perhaps the most pressing issue for faculty and was especially damaging for women and members of minoritized populations. Most often undertaken through administrative fiat, it "may have given administrators a chance to dismiss troublesome faculty" (Slaughter, 1988, p. 89). Emphasizing the role of power, Slaughter's (1993, 1994) later studies showed a shift from retrenchment in response to specific financial crises to its use as part of a larger organizational strategy. In pursuing it, university leaders adopted both the language and tactics of corporate downsizing.

Taken together, these literatures point to the vulnerability of the faculty, the centrality of political power in how the process often works, and the rise of strategic and business practices in undertaking retrenchment. At the same time, we have little understanding of the scope and reach of retrenchment in recent decades.[1]

Framework

To frame this study, we brought together ideas derived from AAUP principles, Gumport's (e.g., 2019) articulation of changing logics, and Datta et al.'s (2010) model of retrenchment practices. Central to AAUP understandings is that retrenchment and restructuring do not necessarily violate faculty rights but can be undertaken in ways that do. The AAUP's (e.g., 1976) longstanding standard for retrenchment due to exigency requires "an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means" (p. 186). The decision of whether exigency exists and, if so, how cuts would be enacted should have significant faculty involvement. Similarly, program closures resulting in faculty discontinuation would be based on "educational considerations" (p. 187); again, faculty should play significant roles. Affected faculty should also have rights to hearings, replacement, and rehiring. More recently, the AAUP endorsed Bérubé, Brown, et al.'s (2013) report acknowledging that "financial exigency can be catastrophic and corrosive" (p. 12) without endangering institutional survival. While the criteria were adjusted due recent experience, the imperative for primary faculty roles was strengthened.

Gumport's (2002, 2019) work showed late 20th and early 21st century changes in the logics of higher education. Previously, social institutional logic—which includes focus on social goods, long-term views, and faculty-centric processes—prevailed; in recent decades, industry logic assumed prominence, though has not fully replaced social institutional logic (e.g., Gumport, 2019; Upton & Warshaw, 2017). Industry logic includes an emphasis on market forces, strategic decision making, flexibility, and rapid response to external conditions. Particularly relevant are the growth of managerialism and devaluation of faculty expertise. Gumport (2019) argued that narratives of wholesale corporatization are mistaken and emphasized the positive ways that academic leaders have navigated difficult contexts, but here we use understandings of the rise of industry logic to consider unambiguous actions that emphasized centralized authority. Where she wrote of "faculty who could trust their campus leaders to call on them to work together to weather difficult times" (p. 145), we consider places were such trust was not warranted.

Gumport's work on industry logic, Gumport (1993) and Slaughter's (1993, 1994) demonstration that business language and approaches are prevalent during retrenchment, and the larger evidence of increased corporate influence in higher education (e.g., Angulo, 2018), justified incorporating Datta et al.'s (2010) "Integrative Model of Employee Downsizing." They conceptualized the literature on corporate downsizing in four streams: "environmental influences" (including both the macroenvironment and industry factors), "organizational influences" (e.g., firm performance, governance), "individual outcomes (e.g., job satisfaction), and "organizational outcomes" (e.g., accounting returns). The first two streams consider factors influencing retrenchment, while the latter two consider outcomes. They intersect at the retrenchment event. For our purposes, the relevant pieces of the model are environmental and organizational influences, as well as the decisions and processes of employee downsizing.

Pulled together, the AAUP's statements on retrenchment informed our understanding of the norms from which institutions deviated, Gumport's (2019) work informed our understanding of the logics used, and Datta et al.'s (2010) model informed our understanding of the roles of environmental (e.g., economic downturns) and organizational factors (e.g., governance structure).

Method

With Slaughter's (1993, 1994) studies concluding with Committee A reports published in 1989, this article is based on an analysis of Committee A reports published from 1990 to 2019. Committee A reports detail findings of investigations into alleged violations of academic freedom and tenure based on analyses of documentary evidence and interviews with key actors. They are not representative but provide evidence of important, intractable cases that deserve wider airing (Nails, 2015). As such, they are imperfect but useful sources.

We undertook two levels of analysis drawing from template and matrix analysis—versions of thematic analysis that can be usefully combined (Burton & Galvin, 2018; Nadin & Cassell, 2004)—to examine 86 Committee A investigative, supplemental, and special reports released from 1990–2019. We began with a general understanding of the reports and an

initial list of codes. Building on Saldaña (2016), our initial efforts focused on attribute and descriptive coding that allowed us to identify individuals, institutions and key issues involved. After each separately coding a decade's worth of reports, we refined the codes and reclustered them in light of emerging relationships. We each then applied the codes to the entire body of the reports, undertaking the process independently but in frequent communication (through virtual meetings and shared documents) about emerging findings and potential revisions to our codes. As these alterations became useful, we returned to the beginning and each reapplied the template to the entire corpus of reports (Brooks et al., 2015). In so doing, we constructed matrices to capture and organize the case information (Miles et al., 2014). Afterward, we went through matrices together, reconciling our versions of each cell to confirm our understandings of the issues involved and how they might be best understood.

We then focused more narrowly on the 35 reports (involving 40 institutions) that we identified as including elements of retrenchment/restructuring. We created a condensed matrix to include only these cases and used it to elucidate themes in the ways in which retrenchment activities were enacted, conveyed, and justified. Tim also constructed summaries of each case. Erin reviewed and confirmed the summaries to ensure that they captured the cases; we used them as an additional view to help confirm and what we were understanding through the matrix. Erin also took the lead in searching the condensed matrix to elucidate patterns involving institutional characteristics, locations, and exogenous factors. She did so through the lens provided by Datta et al.'s (2010) model. Tim revisited these findings and together we confirmed the larger case patterns and themes. As we worked through these steps, we undertook specific work in parallel but consulted with each other about how to best make sense of emerging findings.

Throughout this study, we sought to improve trustworthiness, informed by Lincoln and Guba (1985) and Nowell et al. (2017). The concern informed our decision for both of us to code all of the reports individually, rather than establishing codes and dividing the task between us. This served as a form of researcher triangulation. It was likewise built into our strategy to communicate regularly, including through shared documents recording questions and emerging thoughts. The systematization of our processes likewise aided credibility. Ultimately, the public nature of all of our data is instrumental to trustworthiness.

Our professional identities informed the decision to undertake this study and how we did so. Tim is a tenured faculty member who examines academic freedom, unionization, campus activism, and related issues. Erin is an academic librarian with nontenure-track faculty status and a doctoral student whose writing includes considerations of the academic freedom and due process rights of nontenure-track academic professionals. We came to this study through shared concern about academic freedom and job security for higher education workers writ large. The impact of Slaughter's studies led to our broader consideration of the last 30 years of Committee A reports and specific interest in retrenchment. We began this study before COVID-19 but became more convinced of its importance as reports of faculty dismissals increased. Our views of academic freedom are informed by early work and policy statements of the AAUP, but neither of us is a member of the association.

Findings

We convey our findings first by introducing broad patterns in the cases, including as related to industry and environmental conditions. We then detail the main themes that convey the issues uncovered through the investigations.

Case Patterns

The cases divide somewhat evenly across decades with 16 cases involving 365 faculty in the 1990s, 12 cases involving 450 faculty in the 2000s, and 12 cases involving 468 faculty in the 2010s. At least one case occurred in 23 states plus the District of Columbia. Only Louisiana, with nine, had more than two cases. In part, this can be explained by the devastating storms in the early 2000s, especially Hurricane Katrina, which was used to justify retrenchment and restructuring at institutions across New Orleans, regardless of whether circumstances warranted such actions. These storm-effects point—literally and figuratively—to environmental factors that influenced retrenchment and highlight the significance of specific events. Alongside the spread across decades were bursts related to economic downturns.

In Datta et al.'s (2010) terms, institutional patterns related to firm attributes and governance. Of the 40 institutions, 23 are private and 17 are public; religious affiliations included four Baptist, four Catholic, and four Methodist institutions. Six are Historically Black Colleges or Universities (HBCUs), while five have a medical or health sciences focus. The clustering of cases at HBCUs and medical schools reflect Datta et al.'s (2010) industry factors, as does a unique case at the United States Military Academy involving a mandatory retirement program to reduce troop size (O'Neil, 1994). HBCUs operate in racialized climates, experience systemic underinvestment, and educate disproportionate numbers of low-income students, making them susceptible to financial challenges. Their historic need to fight for survival has also often led to strong presidencies that have not always supported shared governance (Gasman, 2009; Minor, 2004). Medical schools are part of both academic and hospital ecosystems. The financial power and, at times, challenges of the latter create unique conditions. As a 1999 AAUP statement indicated, "The modern medical school has many of the attributes of a complex, market-driven healthcare system

with professors often acting as entrepreneurs in research and in-patient care. It is marked by conflicting roles and responsibilities" (p. 125). The different tenure conditions for clinical and science faculty create additional tensions that set the stage for conflicts.

Themes

We identified three themes that organize the ways in which retrenchment and restructuring were undertaken in contrast with established principles. Together, they demonstrate efforts to dismantle shared governance, deny due process, use legitimate crises as opportunities to achieve unrelated goals, and manufacture crises to enact sweeping change. The three broad themes are as follows: Declaring Exigency or Launching Restructuring, Faculty Roles and Rights during Retrenchment/Restructuring, and Criteria Used in Removing Faculty.

Theme 1: Declaring Exigency or Launching Restructuring. As noted, AAUP policy statements recognize that faculty removal due to financial exigency can be legitimate when it is "demonstrably *bona fide*," declared through processes that include faculty, and undertaken after other options have been exhausted. Exigency is a high bar for an institution to reach, justifiably so. In these cases, many administrations failed to demonstrate that they met the bar. Others did not even try.

Faculty role in determining exigency. Among the more ubiquitous findings in these reports is the failure of administrations to adhere to their own policies, AAUP standards, or both in declaring financial exigency. Repeatedly, when an institution announced a state of financial exigency, it did so with little to no prior consultation with its faculty. At the University of Bridgeport, for example, the investigating committee agreed that the institution's survival "was very much in doubt" but "found no evidence that any faculty body was involved in either determining the extent of the state of financial exigency or in exploring alternatives to" firing faculty (Moon & Bergquist, 1993, p. 42). At St. Bonaventure University, the president "in effect coopted" faculty governance and the board declared exigency in a closed meeting (Brown & Hausser, 1995, p. 67). In the most egregious cases, faculty were not even informed when exigency was declared, including at Bennington College. In what the investigating committee termed a "comprehensive and intentional" failure to follow AAUP-approved procedures, the trustees secretly declared exigency in January 1994 and began planning for significant terminations (Steiner & Zannoni, 1995, p. 100). In April, they authorized the president to implement a reorganization and retrenchment plan that epitomized industry logic. They only revealed the exigency declaration and the plan's details in June, terminating 25 faculty members effective

at the end of the month. It was not, according to Steiner and Zannoni (1995), "a measured response to an imminent financial crisis but a coup" (p. 100).

Unsupported declarations of exigency. Most often, declarations of exigency were not accompanied by proof that it was *bona fide*. The Bennington case is again a prime example. The investigating committee acknowledged a difficult financial situation but could not determine that exigency was warranted or that other means of alleviating the difficulties were not available (Steiner & Zannoni, 1995). At Felician College, the administration did not demonstrate financial exigency or even financial crisis but declared it and acted as if it had (Zannoni & Mulvey, 2015). At North Greenville College, a critic of the administration was retrenched and her program was eliminated with the stated justification of financial exigency. The administration refused to provide evidence and a faculty committee questioned the existence of exigency. The AAUP investigating committee highlighted that the president's own statements to the college's accreditor, to donors, and to the campus community emphasized the institution's financial stability and improving budget balance (Moore & Moore, 1993). Such claims of exigency without offering supporting evidence were common (e.g., Kliever & White, 1994; Reeb et al., 2001; R. J. Williams & Lawson, 2004).

In some of these cases, there was not just a lack of proof of exigency or questioning of its existence. Rather, multiple findings revealed that administrations manipulated data in order to act against faculty in ways that they could not justify without such manipulation. After the president of Philander Smith College dismissed six faculty, the investigating committee wrote that it was "concerned that the president used the . . . budget shortfall as a convenient opportunity to terminate their appointments under the guise of need to reduce the number of faculty positions" (R. J.Williams & Lawson, 2004, p. 66). A different investigating committee wrote of

> the unfortunate finding that the Clark Atlanta University [CAU] administration's declaration of an enrollment emergency was unwarranted and was in fact a pretext, a convenient means to avoid faculty handbook requirements for meaningful academic due process in the termination of faculty appointments. (Williams et al., 2010, p. 12)

The president had "attempted to manipulate enrollment numbers in order to establish plausible grounds to dismiss faculty members summarily" (p. 17). In its report on National Louis University (NLU), the committee determined "that the closing of four departments was a pretext, not a reason, for terminating the appointments of tenured faculty members" (Grant et al., 2013, p. 26).

In these and similar cases (e.g., Heywood & Schare, 1993; Moon & Collins, 1991), exigency was a ruse enabling dismissals. In multiple cases, the investigating committee

found that administrations used exigency to enact further structural changes without faculty approval. At Alaska Pacific University, for example, the committee noted, "the specter of a major financial shortfall provided the excuse rather than the reason for the elimination of academic programs and faculty positions" (Kliever & Bukowski, 1995, p. 36). The "coup" at Bennington was undertaken explicitly to eliminate faculty control of the curriculum and to reshape the institution to "compete competitively in [the] . . . market" (Steiner & Zannoni, 1995, p. 95). It could happen "because a simple declaration of financial exigency offers a convenient pretext for doing almost anything" (p. 100).

Blaming retrenchment on financial difficulties without declaring exigency. In numerous cases, the investigating committee found that administrations undertook retrenchment and restructuring on the basis of financial difficulties (real or claimed) but without declaring exigency. At times, they did so in direct opposition to the standard that temporary shifts in enrollment or budgetary shortfalls were insufficient cause for removing faculty who were tenured or who should have been based on the length of their service. At Meharry Medical College, the president noted, "We have declared no financial exigency. Budgetary challenges are another matter altogether" (Poston et al., 2004, p. 75). A faculty member paraphrased him as saying, "It's not that we don't have the money, it's because we want the money for other things" (p. 75). NLU closed programs, eliminated departments, and terminated 63 full-time faculty members, 16 of whom had tenure. The administration blamed the situation on financial pressures but did not declare exigency and did not demonstrate that the difficulties justified its actions (Grant et al., 2013). At other institutions, administrators claimed conditions short of exigency such as "budgetary constraints" (AAUP, 1995, p. 52), "fiscal hardship" (Scholtz & Murphy, 2006, p. 80), and "immediate budget concerns" (Bérubé, Benjamin, et al., 2013, p. 5). At Northwestern State University (NSU), administrators explicitly avoided the term exigency so as to avoid negative publicity (Williams et al., 2012).

The NSU and NLU cases further raise issues of program elimination for strategic but not academic reasons, with latter specifically undertaking "academic program prioritization," a term popularized by Robert Dickeson. In the 1980s, Dickeson led the University of Northern Colorado when it was censured by the AAUP for terminating 47 faculty members (39 with tenure) for "'program exigency' rather than 'financial exigency'" (Grant et al., 2013, p. 18). As a consultant and author, he was then influential in multiple efforts to reshape institutions in ways that violated AAUP principles. NLU's administration relied on his ideas in closing programs, including distributing his book to the committees that oversaw the process (Grant et al., 2013). His work "guided in part" the retrenchment at the University of Southern Maine (USM) that was undertaken with no evidence of a financial crisis that necessitated the ending of programs or termination of faculty (Bérubé et al., 2015, p. 63). Even beyond these and other specific mentions of Dickeson's ideas, strategic refocusing due to financial challenges short of exigency was prevalent.

At times, administrators claimed that they were acting not because of financial exigency but specifically to avoid it. Alaska Pacific announced the discontinuation of programs and the dismissal of 10 faculty members, nine of whom were on multi-year contracts. It justified the act based on an endowment shortfall and the expected loss of revenues due to an expiring lease. In multiple forums, it claimed that it was doing so to avert exigency. The investigating committee concurred that there was no exigency but also doubted that there was any real financial distress (Kliever & Bukowski, 1995). The CAU president repeatedly discussed an "enrollment emergency" that required action. He told the student newspaper, for example, "In order to protect the financial position of the university and preserve its accreditation and capability, the moves that we made and the timing of the decisions were absolutely required to protect CAU from having to declare financial exigency" (as cited in Williams et al., 2010, pp. 8–9).

In the aftermath of Hurricane Katrina, two institutions avoided declaring financial exigency by instead using "force majeure" to void obligations and contract provisions. Southern University New Orleans (SUNO) used the process to "short-circuit the institution's existing procedural protections" (O'Neil et al., 2007, p. 85) in furloughing 55 faculty members. At the Louisiana State University (LSU) Health Sciences Center, the administration likewise ignored relevant policies and explicitly announced its right to abrogate tenure (O'Neil et al., 2007).

Theme 2: Faculty Roles and Rights During Retrenchment/ Restructuring. The decision to retrench faculty or restructure programs is a crucial precipitating event but theme two demonstrates that violations of academic norms continued *after* these processes were launched. The central role of faculty in making academic decisions was often discounted as faculty rarely had influence over how retrenchment and restructuring were undertaken, or what departments and individuals might be affected. Moreover, individual faculty members' due process and appeals rights were often infringed upon, as were expectations for relocation and severance. At a number of institutions, tenure status was explicitly ignored.

Disregard for faculty roles in academic decision making. Just as faculty were routinely absent from declarations of exigency or in decisions to undertake restructuring, they were routinely circumvented in determining how such actions would be undertaken. Indeed, the processes were

often used for the explicit purpose of diminishing faculty roles in core academic and personnel decisions. Among many such instances was the North Greenville College president's declaration that "It is the responsibility of the Administration alone to determine what personnel and programs should be curtailed or cut" (Moore & Moore, 1993, p. 58). At Lawrence Technological University, the administration claimed that it had support of a faculty committee when it closed its undergraduate business program and eliminated a tenured faculty member with 25 years of service. The investigation revealed that two thirds of the referenced committee were administrators, it's membership was not elected, and it did not suggest program closure (Scholtz & Pearson, 1998). The committee investigating LSU Health Sciences Center determined that "the unfettered discretion of a few administrators in a matter of days replaced years of considered decision-making in shaping the nature of the university's faculty and curriculum" (O'Neil et al., 2007, p. 71). SUNO's administration "manifested disregard for the faculty's appropriate role in academic governance" (O'Neil et al., 2007, pp. 86–87). At NSU, the administration showed "disregard for the judgment of faculty in virtually every aspect of the program discontinuance process" (Williams et al., 2012, p. 17).

At MCP Hahnemann, the "unmistakable and undisputed" (Steiner et al., 2000, p. 50) abrogation of faculty rights included no faculty role in determining the criteria for or location of cuts. At Tulane, a large and successful mechanical engineering program was cut, even though it was needed to support other engineering programs that were maintained (O'Neil et al., 2007). This case and the larger situation in post-Katrina New Orleans highlight how appropriate faculty roles in decision making can be undermined in times of crisis. The Special Committee on Hurricane Katrina and New Orleans Universities questioned "whether Katrina provided a convenient occasion for effecting major programmatic and personnel changes without following procedures that would have been unavoidable in the absence of a natural disaster" (O'Neil et al., 2007, p. 121). Indeed, the president of Tulane denied taking advantage of Katrina to enact proposals that the faculty had previously rejected but stated "Under the current way universities operate, you can't make those decisions under normal circumstances. It takes an event like this" (p. 104). The Special Committee could not

> discount the view, expressed by a number of Health Science Center faculty, that the "force-majeure" plan seems to have provided the opportunity to use the genuine need for prompt action as an excuse to restructure and reconfigure the university and its faculty in ways that were desired by the small number of administrators with the newly conferred authority to do so. (O'Neil, 2007, p. 72)

The New Orleans institutions were not alone. In these and other cases, administrators capitalized on external situations to undertake that restructuring without appropriate faculty involvement.

Disregard for academic due process. Repeatedly, faculty who faced the loss of their positions were denied basic elements of academic due process. Decisions on whom to cut were often undertaken in secret, made quickly by administrators distant from the units involved, and/or made with poor quality data. Those affected rarely had hearings before faculty bodies that allowed them to challenge their dismissal; at best, most had after-the-fact appeal or grievance hearings in which they bore the burden of proving they should be retained. Many such hearings were perfunctory, took place before administrators who made the initial decisions, or otherwise abrogated faculty rights. Even when an appeals committee ruled that faculty members should be retained, only rarely were such findings acted upon.

Again, a few situations can represent ubiquitous events. At Clarkson College, the administration dismissed faculty without indicating a reason, though later claimed the need to "reallocate resources" (Heywood & Schare, 1993, p. 50). Elsewhere, the president indicated the specific faculty were chosen based on merit considerations. The decisions were made by administrators with no hearing, no appeal, no evidence regarding merit, no severance, and no effort to find the affected faculty other positions at the institution. The process, therefore, fell far short of what would have been expected if the decision had been based either on exigency *or* on issues of merit. Two of the six affected faculty had 10 years of service at the institution; another had 20. At St. Bonaventure, dismissed faculty were able to appeal to a panel closely tied to the administration but were not allowed counsel, were not allowed to challenge the exigency decision, and had to prove that they should be retained rather than having the institution prove that they should be dismissed (Brown & Hausser, 1995). The 125 faculty members laid off from the University of the District Columbia were denied initial hearings and then legitimate appeals because the institution lacked the capacity to handle the number of cases (Steiner et al., 1998).

Disregard for tenure. Replete in these cases was disregard for tenure and the rights that it would normally entail, including relocation rights, recall rights, and the notice and severance that would be afforded to those dismissed through appropriate procedures. At many institutions that awarded tenure, it proved of little consequence; tenured faculty were dismissed while untenured faculty were retained. At those without tenure systems, long-standing faculty whom the AAUP argued should have had the protections of tenure due to the length of their employment frequently lost their positions; these were, in essence, implicit tenure violations. Indeed, having earned tenure or been on the faculty for many years could prove detrimental to faculty in times of restructuring or financial crisis (real or claimed).

The case background at the University of Bridgeport was somewhat atypical—it included an early effort to eliminate

fifty faculty positions and took place amid the longest faculty strike in U.S. history—but the administration's treatment of tenure was typical. Less than a month after declaring exigency, the administration terminated 25 faculty members, including 12 with tenure. The investigation centered on two of those tenured faculty members who had been on the faculty for more than 30 years and were dismissed without severance on 30 days' notice. They were the two most senior members of their department and had the ability to teach multiple courses, including ones that a part-time instructor was soon hired to teach. They were not recalled when the institution received an influx of funds the following year. In so doing, the administration violated both AAUP standards and its own seniority policy (Moon & Bergquist, 1993). Amid the top-down restructuring at NSU, numerous tenured faculty were cut even though untenured faculty with lesser credentials were hired or retained to teach the same courses the dismissed faculty had taught. Some of those fired were offered untenured positions to continue teaching their courses at substantially lower salaries and higher teaching loads (Williams et al., 2012).

Theme 3: Criteria Used in Removing Faculty. Related to these larger issues of how and by whom decisions regarding terminations and program closures were made is the issue of the criteria used to do so. AAUP standards would normally protect tenured faculty during retrenchment, except when a significant distortion of academic programs would take place or when entire program areas are eliminated and the affected faculty could not serve in other areas. In academic restructuring, academic purposes are supposed to dominate. In these cases, administrators used a variety of criteria in deciding whom to fire, and often did so quickly with limited and distorted information.

Unclear and inconsistent criteria. The difficulty that administrations had in articulating and adhering to criteria for making crucial academic and employment decision was striking. Many lacked transparency regarding why specific faculty or programs were eliminated; others offered different versions to different audiences or at different times. At UDC, for example, administrators decided whom to dismiss based on varying criteria. Some closely adhered to guidelines, others did not. Some closely followed seniority protocols, others ignored them (Steiner et al., 1998). LSU Health Sciences Center's "force-majeure" provisions declared that decisions would be made based on "the needs and requirements of the institution and the value an individual provides toward meeting these" (O'Neil et al, 2007, p. 70) but the school then added seven additional criteria. The actual decisions were based on three different considerations. At Chowan College, inconsistent reasons were given, including "'contribution to the college,' workload, possession of the master's degree, and being a 'team player'" (Heywood & Schare, 1993, p. 50).

Prioritizing finances and flexibility. In multiple cases, financial considerations in whom or what would be cut were clear. Administrators frequently privileged programs that they believed would generate more revenue, even when their actions damaged core academic programs. At the University of New Orleans, the first decision point in whom to furlough was "revenue stream" (O'Neil et al., 2007, p. 76). Often, though not always, this was to the disadvantage of the liberal arts (e.g., Kliever & Bukowski, 1995). At Southeastern Louisiana University, the president justified eliminating the French major by simply noting "cost," even though the program served a vital regional need (Williams et al., 2012, p. 21). In most medical schools, administrators retained faculty who could generate clinical revenues, even though cutting basic science faculty harmed the educational purposes of the institution. At others, they dismissed faculty who could not generate their salaries through grants (e.g., O'Neil et al., 2007; Poston et al., 2004; Poston et al., 2010).

As noted above, tenure rights were frequently violated but at some institutions, tenure was quite important—though not in the ways that advocates would hope. At NLU, "tenure was apparently a target rather than a protection" (Grant et al., 2013, p. 28); it was so because the administration favored cost-savings and flexibility over its commitments to faculty. At Southern University, Baton Rouge, nearness to retirement was perhaps the most significant factor in who was dismissed. Some faculty claimed, "a conscious intent to terminate older tenured faculty with higher salaries" (Sherman et al., 2013, p. 37). According to news reports, a Minneapolis College of Art and Design dean claimed that the decisions were made because the institution wanted to reduce the percentage of full-time faculty and increase the percentage of part-time faculty (AAUP, 1997, p. 57). At USM departments were allegedly selected for elimination to get rid of expensive long-tenured faculty (Bérubé et al., 2015).

The report on proposed cuts at San Diego State University (SDSU) helps to emphasize the importance of this issue. The committee noted that a "chasm of distrust" existed between faculty and the administration. Instead of honoring tenure, the president "set tenure against 'recent hires'" and "against the catch-all claim of 'flexibility.'" The committee continued, "he had it exactly right. Tenure *is* a limit on the institution's ability to adjust to a reduced budget in any way it seeks" (Finkin et al., 1993, p. 113). In many cases, that limit was ignored.

Settling scores and silencing critics. The findings at SDSU also evinced the third subtheme: the committee noted allegations "that intramural vendettas were settled, that departments were singled out for deeper cuts to reach outspoken critics of the administration" (Finkin et al., 1993, p. 115). Similar allegations occurred frequently and, while committees often could not confirm them, they often had

suggestive evidence. The committee investigating Greenville College noted that a faculty member's dismissal was likely "to some degree, a reaction to his dissentient activities, particularly to his perceived lack of 'supportiveness' of the administration" (Scholtz & Murphy, 2006, p. 90). At St. Bonaventure, the dismissal of two high-achieving but outspoken faculty led the committee to say it could not "rule out the possibility of infringements of academic freedom" (Brown & Hausser, 1995, p. 71). Faculty at USM and the College of Saint Rose were also among those who believed that they were dismissed for their criticism of the administration (Bérubé et al., 2015; Decesare & Mulvey, 2016).

A subset of these cases involved faculty behavior related to the retrenchment events themselves. At Meharry Medical College, there was "prima facie evidence" (Poston et al., 2004, p. 77) that two faculty were chosen for their intramural speech critical of the administration; one was chosen specifically because he disagreed that retrenchment should occur and whom it should affect. At Benedict College, the three faculty members who publicly criticized the announcement that faculty would be laid off were dismissed; at least one was likely in violation of academic freedom (Kliever & White, 1994). At NSU, credible allegations included that a faculty member was dismissed because administrators believed that she had rallied support for her academic program amid restructuring (Williams et al., 2012). These and other cases demonstrate that, in addition to declaring exigency or launching restructuring as a pretext (e.g., Heywood & Schare, 1993; Moon & Collins, 1991), or using them as cover to cut faculty out of programmatic change (e.g., O'Neil et al., 2007), the processes targeted specific faculty that troubled administrators.

Discussion

Through this analysis, we have considered retrenchment and restructuring practices at 40 institutions from 1990 to 2019, pointing both to the landscape of the cases and elements of how and why they were undertaken. The cases include issues of administrative overreach, pretextual and opportunistic claims to undertake drastic changes, and the ways in which both corporate faculty rights to shared governance and individual faculty rights to due process were violated. Moreover, both macroenvironmental and institutional factors (Datta et al., 2010) came into play in the launching of retrenchment events, as did industry logic in administrative actions—centralization of authority, favoring revenue streams over academic ideals and social good, and prioritizing short-term flexibility over long-term stability (Gumport, 2019). Taken together, these findings show fundamental challenges facing higher education, faculty, and the larger purposes they serve.

At the most basic level, the implications of these findings include that there needs to be a better understanding of the

realities of retrenchment and restructuring in higher education. The prevalence of the events—involving roughly 40% of the institutions in the reports over three decades—demonstrates the importance of this issue to faculty and to higher education. Yet, as reactions to recent retrenchment events show, many are unaware of the potential for such events, much less that they are recent iterations of a larger reality. Broad external conditions such as the storms affecting the gulf coast in the 2000s in our study, the Great Depression of the 1930s (Metzger, 1961), the recession of the 1970s (e.g., Slaughter, 1981, 1993), or Covid-19 over the past year can trigger large-scale retrenchment events, but retrenchment also occurs without explicit environmental stimuli. As such, retrenchment should be viewed as a recurring threat to faculty work to be challenged.

As many of these retrenchment events include—or in some cases, specifically target—tenured faculty, there likewise needs to be greater awareness of what tenure does and does not do in difficult times. While the recent attention to the precarity of nontenure-line faculty is long overdue and needs to be amplified, retrenchment practices demonstrate that all faculty are at risk, if not in the same ways. To be clear, we are not equating the conditions of tenured faculty with those of nontenured faculty or others undertaking gig work in higher education—the lack of job security and lack of voice for the latter are profound and damaging (e.g., Kezar et al., 2019). We are arguing, though, that tenure is not the sinecure that most people, many faculty members included, believe it to be.

At a more immediate level, the findings related to storms in the Gulf of Mexico offer a warning that the current COVID-related conditions, as devastating as they have already been to shared governance and educational workers' lives, might not be over. The retrenchment events after Hurricane Katrina, especially, were not felt at once but rolled out over a period of time. To the extent that our findings are predictive, faculty and other employees should be wary of—and prepared for—retrenchment events still to come.

Recommendations

Based on these findings and their implications, we offer several recommendations. As indicated, we believe that retrenchment should be recentered in studies of the transformations of higher education. As others have argued, restructuring is now a broader organizational strategy (e.g., Gumport & Pusser, 1999; Slaughter, 1993) but retrenchment also occurs in response to specific conditions; it should be studied as both. While we centered organizational practices, future work should explore not just how it is continuing to reshape higher education but how it is experienced. Specific attention should build on Slaughter's (e.g., 1993, 1994) work to consider how it affects members of multiple populations and different disciplines, including how it might

exacerbate structural racial and gender disparities. Studies of the protections for—and vulnerabilities of—faculty and other workers should likewise be extended. In addition to research on the precarity and conditions of faculty working without tenure, we need more studies of those working with it, including how tenure protections are circumscribed, limited, and, at times, violated. Recognizing that retrenchment and restructuring are sometimes legitimate and warranted, more work also needs to explore how they are and can be undertaken in ways that are inclusive and regenerative.

This last recommendation for research points directly to a recommendation for practice. Environmental and institutional conditions might legitimately necessitate extreme actions. In such cases, process matters. The rise of industry logic does not mitigate the importance of social institution logic (Gumport, 2019), and it does not justify the abjuration of either faculty roles in academic decision making or academic due process. Moreover, centering faculty in such difficult processes has the potential to not just aid credibility and transparency but keep core academic values and missions at the heart of any resulting change.

While Gumport's (2019) work demonstrated that administrators are often operating in good faith while navigating challenging conditions, these cases show that faculty cannot always expect that to be the case. As such, collective and proactive action to reestablish faculty voice and influence is warranted. Further unionization is one potentially empowering option though, as Rhoades's (e.g., 1998) shows and recent events confirm, union contracts have not always been strong enough to either protect faculty or prevent the further shift toward managerialism and administrative control. In addition to strengthening such contracts and extending their reach, advocates for faculty voice must preemptively build and maintain structures that ensure that they have a seat at the table in times of crisis. By the time a crisis occurs, it is too late to build and strengthen mechanisms for shared governance. Finally, the cases examined here, as well as the events over the past year, should convince tenure-line faculty that they are not as secure as they think and that they should not use their status to separate themselves from nontenure-line faculty. Rather, they should view the vulnerability and precarity of nontenure-line faculty as an indication of the larger challenges to the professoriate and seek to join them in a common struggle to maintain academic values and the centrality of faculty in U.S. higher education.

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Open Practices

The data and analysis files for this article can be found at https://doi.org/10.3886/E152941V1

Note

1. Two AAUP pieces also warrant mentioning, though are of a different type than the works above. A 2001 subcommittee report on retrenchment included examples of limited faculty participation in termination decisions or processes, unclarity about the existence of exigency, and the significant threat of open-ended reorganization drawn from Committee A reports from 1974–2001 (Woodward et al., 2004). More recently, Bérubé, Brown, et al. (2013) weighed evidence from recent case reports as part of its consideration of and argument for updating AAUP standards regarding exigency noted below.

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