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Betrayal of Mission: Union Busting on Catholic Campuses

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A BETRAYAL OF MISSION?

LOYOLA MARYMOUNT UNIVERSITY, ADJUNCT FACULTY

AND CATHOLIC SOCIAL TEACHING

Anna Harrison

In recent decades, a predominantly tenure-line faculty has been replaced by a non-tenure-line faculty, the bulk of whom are commonly referred to as “adjunct faculty,” and who, at seventy-five percent of the professoriate, are changing fundamentally the face of higher education. Adjunct faculty do without many of the basic conditions long the mainstay of tenure, including the guarantee of academic freedom and the promise of a living wage. They have no guarantee of employment. Many adjunct faculty members, furthermore, receive little or no institutional support necessary for the flourishing of their teaching, and they are largely at a distance from the decision-making processes that help to shape what they teach their students. Most adjunct faculty receive no encouragement to engage in scholarship, undermining the scholarly enterprise to which institutions of higher education have long been committed. They have little say in governance. Gwen Bradley, Communications Director for the American Association of University Professors (AAUP), has referred to the status of today’s adjuncts as reflective of the “Wal-Mart-ization” of higher education. Writing for *Salon*, Keith Hoeller agrees that this

seems to provide an apt analogy for the economic trend that has occurred in academia. Wal-Mart has become well known for keeping its number of full-time

workers to a minimum, and hiring many part-time workers, with low pay, no benefits, and no job security.¹

The adjunct segment of the professoriate has of late increasingly taken to unionization as a way of ameliorating their working conditions, which, adjuncts insist – and rightly so – are directly connected with student learning conditions.

The adjunct unionization movement has hit Catholic campuses, and with a bang. Institutional response has been varied and in each case tells us much about what presidents and boards of trustees interpret as their institution’s Catholic identity and mission. When adjuncts at Manhattan College, Duquesne University, and Xavier College sought to unionize, their institutions sought to block the move by claiming exemption from National Labor Relations Board (NLRB) jurisdiction on the grounds of the First Amendment. With a rallying cry of “Religious Freedom,” they found backing from the Association of Jesuit Colleges and Universities (AJCU), the Association of Catholic Colleges and Universities (ACCU), and the Lasallian Association of College and University Presidents; the three associations jointly filed an amicus brief in support of Manhattan College. Their brief reads in part: the “Catholic Church has long supported the moral right of workers to organize and bargain collectively. Catholic colleges and universities respect and support those teachings.” The text continues without interruption, “Nevertheless, under the First Amendment, Catholic colleges and universities must have the freedom to pursue those goals without excessive government entanglement.”²

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www.salon.com/2014/02/16/thewalmartizationofhighereducationhowyoungprofessorsaregettingcrewed.

² www.catholicnews.com/data/stories/cns/1303464.htm.

“Excessive government entanglement” is a reference to NLRB, the governmental agency charged with enforcing the National Labor Relations Act (NLRA). Originating in the Great Depression, the NLRA has since sought to guarantee workers’ rights to bargain collectively. The NLRA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or engaging in protected concerted activities, or refraining from these activities. Similarly, unions may not restrain or coerce employees in the exercise of these rights.³ Sober readers will smell the waft of hypocrisy emanating from behind the walls of these several Catholic institutions, whose claim boils down to this: they are too Catholic to countenance federal efforts to guarantee worker protection.⁴ We should be troubled by the cruelty implied in the amicus brief. These are tough times for adjunct faculty on many a Catholic campus.

And yet there is cause for hope. When Georgetown’s adjunct faculty sought to organize with the Service Employees International Union (SEIU) their University took a neutral stance, expressly respecting their employees’ rights to freely organize “without intimidation, unjust pressure, undue delay or hindrance in accordance with the applicable law.” LeMoyne College and St. Francis College, in Brooklyn, likewise placed no impediments when their adjunct faculty indicated they wanted to vote on whether to join a union.

³ www.nlr.gov/75th/emp_rights.html.

⁴ See a recent *Inside Higher Education* headline: insidehighered.com/news/2012/06/18/duquesne-university-challenges-adjunct-unionization-effort.

In the summer and fall of 2013, my own University, Loyola Marymount (LMU), confronted a matter of internal policy that, like the question of unionization taken up in the amicus brief, elicited public declarations on the meaning of our own mission and identity as a Catholic university. On August 15, 2013, Chair of the LMU Board of Trustees, Kathleen Hannon Aikenhead, and President David Burcham sent staff and faculty an email informing us that our healthcare coverage for so-called “elective” abortion had been cancelled. The decision to exclude coverage, the email related, “flows directly from our values as a Catholic university in the Jesuit/Marymount tradition.” I was among the members of the University who protested the change to our insurance coverage. I was dismayed that although our own statements of shared governance emphasize that faculty should be consulted on changes to our benefits, the University’s’ benefits committee had not been informed before the decision to cut coverage was taken. The larger context of my objection to the change in coverage was LMU’s repeated claims to respect varieties of religious perspectives and non-religious moral commitments among members of the University community. The decision to cut coverage and the rationale provided laid bare the hard reality lurking behind the diaphanous claim to pluralism at our Catholic university. What I learned from the abortion controversy was that at LMU, we respect plurality and diversity until the matter at hand really matters, and then, plurality and diversity really don’t matter much at all. In a subsequent email (October 7, 2013), Burcham and Aikenhead informed staff and faculty that a further change had occurred to our healthcare coverage. We were now informed that “a Third Party Administrator (TPA)-managed plan” would “cover elective abortions” but that “no LMU dollars will be used in paying for this additional coverage.” The language employed in this email once again underscored our university’s Catholic identity:

...we believe that the right to life and dignity for every human being is a fundamental part of Catholic beliefs (all other rights flow from this primary right to life and dignity), and that this vision needs to be evidenced in LMU's policies and procedures.... In this decision, we join the Jesuits in the United States and their many works (as evidenced in their 2003 statement *Standing for the Unborn*) and reaffirm LMU's commitment to its Jesuit/Marymount and Catholic heritage and faithfulness to the Catholic Church's core teaching on the dignity of every human being at all stages of life.

What has all of this to do with adjuncts?

Having affirmed that LMU's Catholic identity must be in conformity with the teaching of the magisterium and American bishops (as well as American Jesuits), LMU did an about-face when challenged with adjunct organization. Bypassing over one-hundred-and-fifty-years of Catholic social teaching on the importance of unions for the common good, LMU employed classic union-busting tactics when our adjuncts began to unionize with Service Employees International Union (SEIU).

In their 1986 pastoral letter, *Economic Justice for All*, the United States Conference of Catholic Bishops wrote:

The provision of wages and other benefits sufficient to support a family in dignity is a basic necessity to prevent ... [the] exploitation of workers. The dignity of workers also requires adequate health care, security for old age or disability, unemployment compensation, healthful working conditions, weekly rest, periodic holidays for recreation and leisure, and reasonable security against arbitrary

dismissal. These provisions are all essential if workers are to be treated as persons rather than simply as a “factor of production.”⁵

The bishops expressly connected workers’ struggle to secure their dignity with unionization. “Labor unions help workers resist exploitation,” they asserted.⁶ In making this claim, the bishops drew on a pedigreed tradition of exceptional support for labor unions. In 1891, Pope Leo XIII proclaimed unions “the most important” of all workplace associations,⁷ and, almost a hundred years later, John Paul II insisted that unions are “a mouthpiece for the struggle for social justice.”⁸ The passage from teaching to the application of principals of social ethics is complex, of course, and (to use the language popular in modern Catholic parlance) requires a process of discernment. The concerted enterprise to undermine unionization, however, especially when considered in the light of LMU’s decision about healthcare coverage and our own Mission Statement, seems to smack of disingenuousness.

LMU’s mission emphasizes the encouragement of learning, the education of the whole person, the service of faith and the promotion of justice. We insist that the service of faith is incomplete without the promotion of justice. Our Mission Statement reads in part:

Together with the University’s sponsoring religious orders and the post-Vatican II Church, we believe that participating in the struggle for justice in ways appropriate to our academic community is a requirement—not simply an option—of biblical faith. In this struggle LMU makes common cause with all who share a

⁵ uscgb.org/upload/economic_justice_for_all.pdf.

⁶ Ibid.

⁷ vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html.

⁸ vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens_en.html.

commitment to local and global justice, whether they are motivated by faith or other noble ideals.⁹

LMU's Board of Trustees, our President David Burcham, and our Provost Joseph Hellige did not adopt a stance of neutrality when in the fall of 2013 our adjuncts began to unionize. Rejecting the lead of St. Francis, LeMoyne, and Georgetown, our University instead expressly urged adjunct faculty to "vote 'NO'" on unionization. As Rebecca Schuman, education columnist at *Slate*, put it, LMU issued "veiled threats," threats expressed in the language of concern about ceding individual rights "to the Service Employees International Union..."¹⁰ A diffuse sense of intimidation and frank fear of reprisal was subsequently palpable among numbers of my adjunct colleagues. At the behest of a several adjunct faculty, SEIU filed four charges of unfair labor practices against the LMU administration. In its complaint, the union argued that LMU administrators have "interfered with, restrained and coerced" adjunct faculty in their attempt to organize.

However menacing, LMU's anti-union propaganda also gave rise to titters and full-throated guffaws. A letter our Provost sent to adjunct faculty professed that at LMU we have always encouraged faculty and staff, regardless of status, to communicate directly with the University on ways to make our community stronger and we are concerned about any faculty member ceding their individual right to deal directly with us to an outside organization that is unfamiliar with our

⁹ mission.lmu.edu/missionstatement/.

¹⁰

slate.com/articles/life/education/2014/01/adjuncts_in_american_universities_u_s_news_should_penalize_colleges_for.html.

unique mission, campus culture, and, in all frankness, the enterprise of higher education.¹¹

No adjunct faculty member that I know had ever before heard as much as a peep from our upper administration about working conditions or individual rights. On the LMU “Conversations” webpage, newly revealed after the unionization campaign was underway, Vice President of Human Resources Rebecca Chandler wrote

We seek to provide a fulfilling work environment based on open dialogue and mutual respect. Our mission and commitment to educating the whole-person involves all members of our community. As you consider important decisions regarding union representation, I invite you to explore this website. In the very best spirit of our Jesuit and Marymount traditions, I urge you to be informed and engaged.¹²

Although some—perhaps many—adjuncts have enjoyed good relationships within their department colleagues, the “work environment based on open dialogue and mutual respect” remains foreign to most of the adjuncts with whom I have spoken.

Human Resources held a series of meetings with adjunct faculty in which “facts” about unionization were presented. Brian C. Moss, an LMU adjunct instructor in photography since 1998, characterized the information Chandler disseminated as “misleading.” According to Moss, the information provided was far from impartial and at a distance from intellectual respectability: Chandler offered only “negative” assessments” about unionization, and adjuncts were told LMU

¹¹ Letter distributed to LMU faculty, Joseph B. Hellige, Executive Vice President, and Provost, January 14, 2014.

¹² conversations.lmu.edu/Home.htm.

would prefer that they voted against forming a union. LMU’s administration has “done everything that they can to oppose us on organizing,” said Darrin Murray, who has taught Communication Studies as an adjunct since 1992. With reference to LMU’s determination to defeat the unionization process, Matthew Peterson, adjunct in the Department of Political Science, contends, “We can and should provide an example to other institutions, in the spirit of the Jesuit tradition and Catholic social teaching. Paying living wages and improving the quality of education are two sides of the same coin.” For some adjunct faculty—employed as they are on a semester-by-semester contract and rehired at the discretion of the Chair of the department for which they teach—the urging of a “NO” vote coupled with the administration’s larger response to adjunct’s organization efforts carried a whiff of possible payback. In such a climate, vocal support of unionization—even inquiry about it—felt like a risky proposition for many of my colleagues.

I have been at LMU for almost eight years. During this time, I know of no attempt on the part either of the administration or my tenure-line colleagues to systematically address the working conditions of our adjuncts—who constitute fifty-one percent of our faculty—and to consider the implications of these conditions for our students. At LMU, we teach social justice within the classroom, and we urge our students to far off Argentina and South Africa to practice social justice at a distance,¹³ yet many of our own colleagues do not make a living wage, have no job security, no access to health care or retirement benefits, and no say in governance. “I love my students, my classes, my department,” says Peterson. “However, students deserve better. And adjuncts deserve better.” For all its claims to hiring for racial and ethnic diversity, LMU faculty

¹³ lmu.studioabroad.com/index.cfm?FuseAction=Programs.ViewProgram&Program_ID=10063; http://lmu.studioabroad.com/index.cfm?FuseAction=Programs.ViewProgram&Program_ID=10072&Type=O.

will increasingly be drawn from a privileged pool. Our President has said: “Diversity in hiring of faculty and staff is ... a challenge we meet head on. We have created programs to foster recruitment, hiring and retention of minority and women professionals in the faculty and on our staff.”¹⁴ The truth is few who are not financially independent or can depend on a partner will have the luxury of teaching at LMU; this disproportionately affects racial and ethnic minorities as well as women. “I love LMU,” Iliana De Larkin, an adjunct in the Department of Communication Studies, confessed. “Unfortunately, it is far from great for adjunct professors.” Bemoaning the lack of transparency in hiring decisions, De Larkin relates that adjuncts have no way of knowing how many classes they may be offered in any given semester or how decisions about hiring and reappointment are made. This has “devastating financial ramifications for adjuncts and our families.” LMU Theological Studies adjunct Melissa Pagán received a Masters in Bioethics and a Masters in Theological Studies from LMU, and she was encouraged by LMU tenure-line faculty to pursue a Ph.D. in Catholic Social Ethics. Ms. Pagán, now ABD at Emory University, decries what she regards as the betrayal of LMU’s mission. As a student, her professors challenged Ms. Pagán to combat structural inequities that punish the vulnerable. As an adjunct, Pagán knows her days are numbered. Her children go without insurance their mother cannot afford, and with a cap of two classes per semester for a total of under \$21,000 a year, Pagán can’t afford childcare, even as she supplements her income from by selling her blood plasma eight times a month for an average payment of twenty-five dollars a shot. Ms. Pagán *is* the ethnically diverse faculty member LMU claims to champion. It is unfortunate that the Department of Theological Studies will have to find someone more privileged than Ms. Pagán to convey our mission of social justice to our students. Ms. Pagán

¹⁴ academics.lmu.edu/diversity/presidentsmessage/.

simply can't afford to teach here. It may not be a coincidence that as white women as well as women and men of color enter the academic workforce in numbers unsurpassed in the history of the university, structural support for the sustained scholarly enterprise is eroding at a dramatic rate as the corporate model of higher education increasingly takes hold. LMU does not present as an exception to this trend.

Vexed by the administration's heavy-handedness and dismayed by what some perceived as a betrayal of our mission, members of LMU's tenured and tenure-track faculty rallied. This was heartening, coming, as it did, after years of disregard for our adjunct colleagues. Our Faculty Senate issued a resolution in sharp support of the right of LMU adjunct faculty's right to organize:

BE IT RESOLVED that the LMU Faculty Senate unambiguously supports the right of non-tenure track faculty and staff to deliberate and organize as they see fit, including the possibility of unionization, without overt or implied intimidation or threat of reprisal in any form on the part of the university's administration or tenure-track faculty.

Our University's Committee on Excellence in Teaching applauded the Senate resolution and, adamant that "faculty working conditions are also student learning conditions," reaffirmed its own commitment "to supporting *all* LMU faculty members in their varied efforts to create the best possible learning environment for our students" (emphasis added).¹⁵ Members of the Communication Studies Department likewise went on record "in support of LMU's adjunct faculty in their efforts to organize and achieve social justice in terms of fair and equitable hiring

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lmu.edu/Assets/Centers+Institutes/Center+for+Teaching+Excellence/Committees/Adjunct+Statement+Feb14.pdf.

policies and working conditions,” insisting that “social change should begin at home.”¹⁶ In direct response to adjunct organizing and the reaction it elicited from our Board of Trustees, some members of the Department of Theological Studies—but not all—called on the Board to “reaffirm its commitment to Catholic social teaching as articulated in our Mission Statement.” Approximately two-hundred tenure-line faculty, students and their parents signed a petition calling on LMU’s Board of Trustees “to respect our adjunct colleagues’ right to freely associate and organize, including to vote for union representation, without intimidation, pressure, delay, or hindrance,” and urging respect for Catholic social teaching on the rights of workers. LMU student groups, including our Amnesty International and Oxfam chapters cheered on LMU’s adjuncts as did our homegrown Students for Labor and Economic Justice, who handed out yummy cupcakes and fetching Valentine’s Day cards, urging “Have a Heart for LMU Adjuncts.” The adjunct movement also received a formidable boost from outside the University. Catholic Scholars for Worker Justice called upon the Board of Trustees to “return to their Catholic tradition” and recognize their faculty members’ right to organize without interference. Their petition garnered over one-hundred-and-fifty signatories, including eight past presidents of the Catholic Theological Society. A group of our tenure-track colleagues were successful in their demand that the administration remove from the “Conversations” website “we urge you to vote ‘NO’.”

In spite of such expressions of solidarity, LMU’s anti-union tactics proved successful: on March 5, 2014, the petition to the NLRB to unionize with SEIU was withdrawn. A letter sent to adjuncts on behalf of LMUnified Adjunct Faculty—the campus adjunct group fighting for

¹⁶ laloyolan.com/opinion/re-seiu-files-for-election-thursday-jan/article_c9b6515a-9923-11e3-94e9-0017a43b2370.htm.

improved adjunct working conditions—explained the decision: “The administration made a free and fair election impossible, creating a climate hostile to organizing....” LMUnified’s letter made known, in addition, the NLRB’s decision regarding claims of unfair labor practices. Although the NLRB found cause to consider the charges, “several people were too intimidated to give testimony about the coercion they experienced. We’ve been informed that without them there was not enough evidence provided to pursue a further investigation of those charges.”

The movement for adjunct justice at LMU is not going away. The University has formed a Task Force on adjunct faculty—as far as I know, the first of its kind at LMU. Charged with identifying the concerns of our exploited colleagues, its leadership and membership composition, comprised of adjunct and tenure-line faculty, give reason to hope that its work will not be merely a means of dissuading unionization. Moreover, LMUnified remains committed to its work. The group continues to hold organizing sessions and, to get a better hand on the diverse needs of fifty-one percent of our faculty, is currently circulating a sophisticated survey among our adjuncts. At present, over twenty percent of LMU’s adjuncts have completed LMUnified’s survey, an impressive turnout for any survey and one made particularly notable by the absence of any monetary incentive to take the survey.

The key, perhaps, to transforming our institution’s structures is to admit that our adjunct faculty’s cry for justice is simultaneously a plea on behalf of our students. Lack of support for our faculty, our adjuncts themselves insist, translates into compromised learning conditions for our students. Let me provide a few examples to illustrate what my colleagues mean. LMU’s most recent Strategic Plan unveiled the “teacher-scholar” model. Contending that “a transformative educational experience depends on a faculty devoted to the synergy between scholarship and

teaching,” the Plan elaborated, “a teacher-scholar conducts research and does creative work that contributes to the larger body of knowledge while setting an example for the importance of lifelong learning.”¹⁷ Among the Strategic Plan’s objectives is to “improve support for, and the promotion of, research, scholarship and creative work in line with the teacher-scholar model.” As many of my colleagues have noted, however, the teacher-scholar model does not apply to fifty-one percent of LMU faculty. The words of Dr. Peterson are instructive.

As an adjunct teaching three courses at two separate institutions, four-days-a-week, I spend roughly two-and-a-half to three hours commuting. I also have two other jobs in order to make ends meet.... . the next step in my career is to work on publications. My situation is similar to the Catch-22 many other adjuncts find themselves in—we simply do not have time to write, but we need to write in order to obtain a position that will pay enough to free up our time to write. Like many other adjuncts, I’m dedicated to teaching, and, therefore, I don’t expect or need a large salary—I am willing to make sacrifices in order to write and research—but even so I would still need a barebones living wage or more job security (for example, a year-long contract) in order to justify quitting my other jobs.... I’ve said to my wife this semester, being an adjunct full time is a lot like being a cartoon character running on air. You don’t want to look down. You just keep running.... How are you going to find time to write anything? That is a little more serious than it sounds to the casual observer. Because of something that

¹⁷ academics.lmu.edu/strategicplan/strategicplan2012-2020/strategicplantableofcontents/theme3-promotingtheteacher-scholarmodel/.

LMU explicitly recognizes, the teacher-scholar model. In order to be a good teacher, you should be publishing in your field.

Another of my colleagues expressed in this way the compromised conditions under which she teaches:

I am a part-time faculty member at Loyola Marymount and UCLA. For me, like so many people I've met, teaching is a calling, not just a job. As an undergraduate, I was blessed to have dedicated teacher-scholars whose mentorship inspired and enabled me to devote my life to education and the pursuit of knowledge. Their example is the yardstick against which I measure myself. However, they all had one thing that I lack: the ability to devote myself fully to *one* institution and its students.... My students turned in a paper a few Tuesdays ago.... Many students emailed me to ask if I could meet with them on Monday, the day before the paper was due, to go over the work they'd done over the weekend. I had to refuse: not because I didn't want to meet with them, but because I was obligated to be at UCLA all day on Monday. It is heartbreaking and embarrassing to explain to my students the circumstances under which I work, to tell them that I can't be the type of mentor to them that my own full-time, tenure-track professors were to me, and more broadly, to indicate to them how little value the University places on their education despite the lip service it pays to the mission of educating the whole person. What can a university whose actions so egregiously undermine its stated mission teach its students about social justice? Emily Hallock, Ph.D., Department of Political Science.

Our own students have expressed unhappiness over their inability to form lasting student-teacher relationships with some of their favorite professors, whose “here-today-and-gone-tomorrow” status is cause for consternation. Although some of our adjuncts have taught at LMU for many years—in the Department of Theological Studies, we have two adjunct faculty members who have been with us for over a decade—many are with us for far less time. Evan Ferchau, a junior, contributed the following reflection on his experience.

I am a Theology major at LMU and have taken the majority of my classes from non-tenure-track professors. Many of my friends ask me for advice when selecting theology classes, and I find myself unable to give feedback because the majority of my professors are no longer teaching at the University, many of which would have been my first recommendation. Exploiting the contingent/part time faculty has not only reduced the quality of my education, but also the quality of my experience in college. I come from a family of teachers and have seen firsthand the quality of relationships that can be forged between a teacher and student, and when my professor knows their job is temporary it creates a sensible disconnect between my professors and me in place of the mentorship that was intended.

During one of a series of sessions on “Conversations on Adjunct Justice” organized by LMUnified, Hallock drew attention to additional consequences for students of LMU’s treatment of fifty-one percent of its faculty. “There is no institutional quality control in place to make sure the people who you get in the classroom are actually good at their jobs,” Hallock explained. And she offered the example of some of her LMU adjunct colleagues to highlight structural problems in LMU’s hiring of adjunct faculty. Hallock claims that too many colleagues are hired a week or

two before—even a weekend before—the start of the semester and required to design courses they have never before taught. In such instances, says Hallock, the adjunct is flying by the seat of her pants, simultaneously writing syllabi, getting a grasp on departmental expectations for students, struggling to access BlackBoard, and negotiating library policies and systems—as well as figuring out parking and our University’s “One Card” identification system, and so forth. Such working conditions undermine the adjunct faculty member, no matter how conscientious a teacher. As another adjunct (who wishes to remain anonymous) observes, LMU advertises an eleven-to-one student-faculty ratio as one of the hallmarks of its commitment to students. That number may jump to something like twenty-to-one if we take into account our adjunct faculty. I know of one LMU adjunct (for fear of retribution my colleague prefers to remain anonymous) who holds office hours via SKYPE because the office to which she is assigned houses several other adjunct faculty whose office hours overlap. This adjunct professor may be counted among the lucky. By its own admission, LMU does not routinely provide office space to its adjunct faculty!¹⁸ For LMU students and families spending almost \$40,000 a year on tuition and fees, the overuse of adjuncts and their working conditions should be cause for alarm. It is fair to ask whether at the highest levels of strategic planning, LMU has failed its faculty. If it has, then we must concede that it may have failed its students as well.

¹⁸ United States of America Before the National Labor Relations Board Region 31, Loyola Marymount University Employer and Service Employees International Union Petitioner, Case 31-RC-118850, p. 7.