

Collective Statement and Feedback on the Consultation Process at ULSB

3rd March 2021

Dear Professors Devlin, Ladley and Gibson,

In the last two weeks you have conducted individual consultations with all of us. You had told us that these Individual Consultations would provide clarification on the business case, on the reasons for our selection in the pool, and provide an opportunity to review and challenge that 'initial' assessment. Some things have become clearer in this period, but many questions remain. Overall, our concern with the case for change, the selection for redundancies and the lack of transparency in the process has only increased.

In this report we want to express our serious concerns regarding the arbitrary and careless ways in which the criteria, data pool and methods used to place the 16 of us at risk of redundancy have been defined, and the Case for Change has been justified.

These concerns can be grouped into nine areas:

- 1) Lack of continuity in the people involved
- 2) Ill-defined definitions and criteria for selection in the redundancy pool
- 3) Changing data pool or 'basket of indicators'
- 4) The absence of transparency in methods
- 5) Opaque and ill-defined scoping exercise
- 6) Lack of evidence and information underpinning the Case for Change
- 7) Discrimination against Early Career Researchers
- 8) Impracticality of research-based selection
- 9) Serious concerns around the infringement of academic freedom

We will discuss the nine areas in the following sections, draw a conclusion about the process so far and make a proposal to moving forward.

1) Lack of continuity in the people involved

The university has decided, half-way through the process, to change the people conducting the individual consultations. Professor Gibson replaced Professor Devlin. But she has not participated in the screening exercise and was unable to answer any questions concerning our selection. Since this change we have received little detailed information, or sign of understanding of our work and its meaning. In the consultations conducted with Professor Devlin, some level of meaningful exchange did actually take place. Some explanations were provided, and areas were highlighted where further clarification is required (as detailed below). Furthermore, when time ran out, it was promised that further meetings would take place in a number of consultations; this promise was later revoked.

2) Ill-defined definitions and criteria for selection in the redundancy pool

The criteria for screening us (i.e., doing research primarily in the areas of Critical Management Studies and Political Economy) had been 'defined' in the so called 'Points of Clarification' document sent just on the 1st of February, 6 days after we had been presented with the Case for Change. When, in our respective Individual Consultations, we noted the controversial, outdated or loose nature of the definitions of Critical Management Studies and Political Economy provided, and pressed for elucidation, no further explanation was offered, rather we were referred back to the definitions provided on the 1st of February. When trying to tease out whether critical thinking and scepticism of management and organisation knowledge (part of the definition of Critical Management Studies provided in the points of clarification) was a problem in the school, we were told that studies of critical management were fine, but Critical Management Studies was not, and in one consultation that 'being critical' is not a criterion for inclusion, but 'being critical of mainstream management practice' is.

When we questioned the rationale for using a short Critical Management Studies text and the description of the Centre for Philosophy and Political Economy research centre, to define political economy, we were told that this was the definition the institution had chosen to use. When we asked whether it was the approach rather than the subject area that was problematic, we were again unhelpfully referred back to the definitions provided in the points of clarification: 'we define Critical Management Studies and Political Economy in a particular way, in this case for change. It's the research which falls within those definitions, which we are attempting to disinvest from'.

Also there seemed to be substantial confusion about whether political economy was a subject or an approach, as a criterion for selection in the redundancy pool. In one individual consultation it was asked whether political economy was a subject or an approach to a subject, and the answer received was: 'in as much as I understand the question, I'd say it was the subject matter'. In another individual consultation it was said 'the definitions as they stand, as I read them, is that it's about particular kinds of work that take a particular kind of approach... more than if it was, research about bricks, for instance'.

In the case of political economy, this confusion around definitions is particularly problematic since political economy is an umbrella term rather than a concrete research area or discipline. It may refer to the interpenetration between the economic and political broadly speaking in everyday understanding. Political economy may also invoke certain trends in institutionalist theory, reflected in some of the most important and influential theorists of management, institution, economy and organisation, such as Weber and Ostrom. Indeed, a number of the most influential and important economic theorists can be defined as political economists, such as Schumpeter, Hayek and Smith. There is thus a vast range of literature and research that falls outside the scope of the definition of political economy provided in the Points for Clarification or a rational choice economic tradition of political economy (which is explicitly excluded). We are led to understand on the basis of the Points for Clarification document definitions, that only Critical Management Studies related political economy, as defined in the student book 'Key concepts in Critical Management Studies' by Adler, is the kind of political economy in scope for redundancy. But many staff both in and out of scope identify as political economists in traditions outside the rational choice based one and the Critical Management Studies one. Thus, to use this so-called definition as a criterion for selection for a redundancy pool it is at best highly problematic.

Similar problems exist with the ‘institutional definition’ of Critical Management Studies. Critical Management Studies is an umbrella term too, which encompasses critical studies of management, but also critical studies of marketing, strategy and any other area of business research. While it is stated in the Points for Clarification document that work in Critical Management Studies that is being ‘disinvested’ from draws on ‘post-structuralism’; it was also stated in an Individual Consultation that the use of Foucault’s work is not considered problematic despite him being *the* founding figure of post-structuralist thought (as well as being consistently the most cited author in the social sciences in recent years). Post-structuralism, including Foucault’s extensive oeuvre is (by definition) critical or sceptical of existing structures. Furthermore, the definition of Critical Management Studies provided is outdated and ignores the development in the field of critical studies about management and business in the last 12 years, which goes beyond and transcends the idea that Critical Management Studies is simply against or sceptical of management in both theory and practice and often focuses on constructive engagement with businesses and organisations.

We heard that certain work was considered as in scope for disinvestment because it was published in journals with ‘a critical bent’ – this is also one of the listed criteria in the Points for Clarification document. However, there is no list of journals considered as such provided in the documentation and we were later told in a number of Individual Consultations that publication in certain journals did not count as a criterion.

We asked if it was ok to study Occupy, and we were told it was. However, in some Individual Consultations, outputs were flagged using terms such as ‘protest’, ‘resistance’ or ‘anarchy’, indicating that protest was after all not an approved subject of study.

We also noted a shift in the criteria for selection in the redundancy pool: From doing research in Critical Management Studies/Political Economy, to not aligning with the school strategic direction. These are two clearly distinct things: Individuals have been identified for the redundancy pool on the basis that they ‘primarily research Critical Management Studies/Political Economy’. The question of whether they are aligned with the school’s future ‘strategic direction’ is a question that must be separated from the scoping exercise, since otherwise it must be assumed that all members of staff not in scope must fit the school’s ‘strategic direction’ in order for the process to be fair and objective. This is due to the fact that if only those in scope for redundancy must fit the future ‘strategic direction’ this places an unfair additional criterion on them that other staff are not required to meet. In our meetings, we were told that we had to ‘explain not how [we] fit within the direction that has been set for the school, [...] But to make a case as to why [we] believe that [our] primary research does not fall within the Critical Management Studies or Political Economy’, yet in further email communication following on from these interviews, some of us were asked to ‘put forward evidence on how their research may align to the strategic direction’.

In conclusion, we reject both ‘institutional’ definitions used to identify people ‘at risk’ of redundancy. Both definitions are misleading, do not meet scholarly standards and make false claims about the areas the university wants to ‘divest’ from.

3) Changing data pool or ‘basket of indicators’

To turn to the pool of data used to determine our 'primary research in Critical Management Studies/Political Economy', we were repeatedly told that a 'basket of indicators' was used. But what we learned throughout the process was absurd and contradictory. That basket was initially said to include publications and grants from the period 2014 to 2020, self-identification on staff webpages, and affiliation to research centres, as detailed in the Points for Clarification document. So, listing Critical Management Studies as one among a list of research interests on one's webpage for example was taken as proof of 'guilt' ('in your personal webpage you list again a number of areas but also Critical Management Studies as a potential area of interest'). Membership of the Centre for Philosophy and Political Economy was at some points an indicator as reflected in the comments in some Individual Consultations ('So in terms of the data we have looked at you are a member of the Centre for Philosophy and Political Economy') and in the Points for Clarification Document. But then later wasn't ('research cluster affiliation was not part of the screening'), rather it was a source of information on 'what people listed as their interests in the Centre for Philosophy and Political Economy'.

Whilst originally it was stated that publications between 2014 and 2020 were taken into account, it later emerged that not all publications counted to the same extent or were counted at all. So it appeared that in some Individual Consultations chapters in books were used to claim that research was 'primarily' in Critical Management Studies/Political Economy, whereas in other cases they did not count as much because they did not qualify as 'primary research' and were 'downgraded' ('We didn't put an emphasis on chapters in books, we focused on sort of primary research publications'), or were regarded as 'less significant in the basket of indicators', although we were also told that there were no weightings applied to the basket of indicators.

It also became apparent that the assessment was based on publications that the Dean and Deputy Dean could read, which excluded publications in foreign languages. The exclusion of research due to language competence clearly discriminates against researchers working in languages other than English.

It also emerged in the process that future work was also considered, in addition to publications from 2014-2020; so, expressing an interest in Critical Management Studies may indicate future work in that area and be reason to be placed in the pool. One of us was told that none of their work was considered Critical Management Studies/Political Economy, but that they were included in the pool because they may work in these areas in the future on the basis of one of a number of research interests.

When asked how they could be sure that no more Critical Management Studies research would be conducted once the purge had been made, we were told that 'this is a one off adjustment exercise to get the school into a position where we think it will be more strategically beneficial in doing that'. We were also told that 'individuals have academic freedom and they can work in whatever area they want', but when asked whether 'that would be without risk to their job', the response was more hesitant: One person was told 'I'm not going to make hypothetical statements about the future'. It was also stated that there may be another Case for Change at some future point, another individual was told that 'to an extent' they were permitted to research what they were currently researching but

they were told that: 'If that changes in the future we might need to revisit things and there might be another case for change.'

In conclusion, the basket of indicators was not constructed to support a 'fair and objective' process. On the contrary, it was used as a flexible and arbitrary instrument to create the case against the colleagues in the pool.

4) The absence of transparency in method

There also seems to be an absence of transparency, fairness and objectivity in the methods used to determine whether, on the basis of the 'basket of indicators', we fitted the criteria whilst others seemingly in scope in the school did not.

When asked about evidence of the method used to arrive at a decision that a publication, or our research as a whole, was 'primarily within Critical Management Studies/Political Economy', about the weighting of the indicators in the basket, or about the setting of the threshold that marked our research as 'primarily' in Critical Management Studies/Political Economy, we received little clarification other than a repetition that a view was taken on the basis of a basket of indicators. Several of us were told repeatedly by the Dean or Deputy Dean that they 'felt' that work was Critical Management Studies/Political Economy, or that they were 'happy' or 'satisfied' that work met these definitions without providing any explanation.

The evaluation was entirely based on what the two persons involved in the screening (the Dean and Deputy Dean) 'felt', 'were confident about', or 'thought': 'So when [we] looked at this, we thought it fell within the definition of political economy as we set out in the case'

When asked to expand on that, the response was:

'That's effectively all there is to say about it, we gave a definition of what political economy. We believe that this paper, er, book falls within that definition'.

When each one of us pressed further for the qualitative evidence explaining why a paper was considered to be 'primarily' in Critical Management Studies or Political Economy, whether some form of notes, content analysis, or keywords were used, we were told that there were no notes, no use of keywords, simply a discussion. We believe that it is simply not possible to have a discussion of these research outputs and the other indicators of 16 people without any annotations.

Some of us were placed inside of the pool despite only a fraction of their outputs being flagged as Critical Management Studies/Political Economy. We asked how this constituted a 'primary focus'? We got acknowledgement that there were no metrics determining the criteria of 'primary research', despite it being accepted in one consultation that the term 'primarily' was a 'quantitative' term. The frequent argument that the inclusion is based on a 'qualitative' assessment neglects that a qualitative approach needs to be justified through a maximum of transparency, which remains absent in all of the cases.

When we suggested that 'primary' was a quantitative term that implied some metrics to evaluate whether a threshold was reached, we were told that this threshold was not

established in quantitative terms, apparently ‘the legal advice [...] received is that the basket of indicators does not have to be overtly quantitative in nature, but obviously it will allow us to take a view of your primary research area’. Moreover, this blatantly contradicts a general accepted definition of ‘primarily’ as ‘for the most part of it’, as defined by the Merriam-Webster Dictionary.

In conclusion, the absence of transparency in method stands in opposition to the requirement of a ‘fair and objective’ process in the redundancy ordinances.

5) Opaque and ill-defined scoping exercise

It is a requirement in the redundancy ordinances that the method of selection of people for as in or out of scope for a redundancy pool must be on a ‘fair and objective basis’. We have not received any evidence showing that this is a fair and objective process. In the first group consultation we requested the fair and objective criterion for selection, and we were told these would be provided in the individual consultation. This begs the question as to why, since this information must have been used to make the selection of members of staff as in or out of scope. We then received the Points for Clarification document 6 days later. The criteria presented there are highly contentious and problematic for the reasons outlined above. Particularly given the repeated refusal to identify any threshold of primarily Critical Management Studies/Political Economy related research.

The lack of fair and objective criteria becomes even more evident when one examines the staff profiles and research of those deemed to be *not* in scope:

In total there are 18 members of staff not in scope for whom an equally strong case can be made that they fit the amorphous criteria of doing primarily Critical Management Economy/Political Economy related research at least to the same extent as some of those who have been identified as in scope.

5 staff *not in scope* actually self-identify their research interests as being in either Critical Management Studies or Political Economy either on their staff webpage or the Centre for Philosophy and Political Economy website.

14 staff have a majority of published papers between 2014-2020 that can be identified as non-rational choice based Political Economy or Critical Management Studies.

In at least 4 cases of those *in scope* 50% or less of the published research outputs were identified as being Critical Management Studies or Political Economy (although in a number of these cases, material on IRIS was either mistakenly not downloaded in the scoping exercise, or not yet updated).

This leads to the final serious weakness of the scoping exercise which is that in numerous cases publications on IRIS that could be seen as *not* Critical Management Studies/Political Economy were missed from the screening process for the provisional redundancy pool. Thus, demonstrating that people had been selected for the redundancy pool on the basis of incomplete information – surely something that must be particularly important if one is

seriously attempting to make a judgement about whether somebody 'primarily' researches Critical Management Studies/Political Economy on the basis of a 'basket of indicators'.

In conclusion, we believe that the selection of staff as in or out of scope was not done in a 'fair and objective' manner.

6) Lack of evidence and information underpinning the Case for Change

The only evidence provided in the Case for Change to support the new strategic direction and the redundancies, were: (1) Two reports from Chartered Association of Business Schools, and (2) A 'summary' from the pre-change engagement survey. Yet both sources are problematic. The two reports from the Chartered Association of Business Schools (out of which only a couple of quotes were taken) pertain to teaching but the Dean and Deputy Dean have insisted that the case is one based on research. When this was raised in some of our Individual Consultations, we were told that the management of the school wants to develop research-led teaching, but nowhere were we asked about the relationships between our research and teaching.

In response to our request to see the raw data from the pre-change engagement survey, a 'summary' of which was used to support the case, we were told that this could not be disclosed as the data are anonymous and confidential. However, Professor Ladley said in one of our individual meetings that he 'would be happy to ask again'. We very much hope that the school leadership will be able to share this data with us.

In addition, staff at risk have been told that they will not see the overall university strategic plan until the end of March. We believe a reasonable person would agree this is crucial for a chance to properly address the case or to create a counterproposal. Staff at risk have also been told that they will not see a substantial University of Leister School of Business (ULSB) strategic plan until after the University-wide plan has been published. We believe a reasonable person would agree seeing this strategic plan is crucial for a chance to properly address the case or to create a counterproposal.

No further evidence to support the case was provided in the Individual Consultations. For example, when asked if there was any evidence that a lack of focus on data analytics damaged student recruitment, the Dean responded that they 'don't necessarily have cast iron evidence on recruitment at the moment but there is [...] plenty of commentary'. When asked whether they had conducted a risk assessment for this case, for example considering the impact on school reputation, staff morale and staff retention, student satisfaction, the school leadership stated that all of those elements were considered as part of the case, but that there was no written record of this.

When we asked about the impact of these redundancies on teaching loads, we were told 'we've sort of modelled how this effect would have, what impact this would be in coming years and we're reasonably confident that we'll be able to cover teaching loads next year'.

In conclusion, we note a lack of transparency, information and evidence underpinning the Case for Change.

7) Discrimination against Early Career Researchers

Any pool selection criteria that rests on a percentage of outputs discriminates against early career academics (of which there are 3 threatened with redundancy) and those whose research time is reduced by other factors (for example Trade Union facilities time, parental leave, disabilities) as it leaves those with smaller outputs proportionately more likely to face redundancy. We consider this not only to be counter to the spirit and letter of the Concordat to Support the Career Development of Researchers that has been signed by the University of Leicester, but also to be suggestive of discrimination or victimisation in other additional areas.

8) Impracticality of research-based selection

Attempts to make staff redundant on the basis of future research content, in a context in which research is autonomous and self-directed is not only unlawful and unethical, but also completely impracticable. If research in the areas targeted for disinvestment was contractually expressed, or if formally constituted divisions/centres/groups in which this type of research is concentrated were being closed down, the case would be simpler. However, the current case rests on a so far unexplained assumption that if the last 7 years of research is 'primarily' in a certain area, future research will 'primarily' be in that area too. This is completely groundless and could not be reliably predicted by the members of staff themselves let alone two Professors with no understanding of those academic terrains.

9) Serious concerns around the infringement of academic freedom

The right to self-direct research without threat to one's job is, for research and teaching staff in Higher Education, unambiguously protected in law (Education Reform Act 1988). The present case breaches that law. If successful, the present case would produce a new precedent across the sector wherein a redundancy argument – having been established for the first time by the University of Leicester - could be made by describing the research of any individual and saying that a decision had been made to disinvest from that area of research. We appeal to any academic at any level involved in this case to pull the reins on it immediately before this becomes established as a new condition of working in higher education. It is unconscionable.

We await the result of internal Academic Freedom complaints but University of Leicester's Academic Freedom policy – on which decisions will likely be based – contains a clause found nowhere in law suggesting that a university can intervene in research content for reasons of economics of efficiency. This appears to be the result of the conflation of two wholly unrelated clauses in the Education Reform Act 1988 setting out the task of university commissioners. Here is the wording in University of Leicester's Academic Freedom policy:

'Subject to the rights of the University to manage its activity efficiently and economically, to carry out research work without any undue interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics'

And here's what is evidently the inspiration for this from the Education Reform Act 1988 –

‘In exercising those functions, the Commissioners shall have regard to the need—

(a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;

(b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and

(c) to apply the principles of justice and fairness.’

University of Leicester's internal Academic Freedom policy asks that a panel be assembled by the Deputy Vice Chancellor, who has already signed off on the ULSB business case, to evaluate whether an infringement of academic freedom has taken place. University of Leicester's internal Academic Freedom policy has no right of appeal. For these reasons, staff in scope have no confidence of an outcome that is in line with the law or with principles of natural justice and expect to have to deal with attacks on Academic Freedom through bodies outside the University.

Concluding Comments and a Proposal

Overall, we are deeply worried about the ill-thought out, careless, and arbitrary nature of the process; it demonstrates disregard for due process and duty of care. And we believe it does not constitute a fair and objective procedure as required by law. By implication we consider the cases brought against us a potential violation of Academic Freedom.

We also note that given the varying definitions and explanations we have been given, inclusion in the pool should be much greater than us 16:

- If future work is the question, everyone should be in the pool.
- If it is about 'criticality' at least 80% of researchers in the school should be in the pool.
- If it is about Political Economy and Critical Management Studies on the basis of how people self-identify and/or where significant portions of their published research between 2014-2020 might be construed as connected to two amorphous and highly questionable definitions, at least 18 additional colleagues should be in the pool.

We note that your case has no support in the school. The research committee has questioned the process unanimously. Several other committees have raised serious concerns. The divisions of Management & Organisation and Work & Employment have declared their opposition; while an attempt to provide a supportive statement by some members of the Economics Finance and Accounting department has had to be abandoned in light of substantial opposition from staff in Economics Finance and Accounting. We were informed that the ULSB Associate Dean of Research resigned on 2 March, at the request of the Dean, because she felt unable to maintain a position of neutrality on the Case for

Change. The rejection of an all-staff meeting resulted in a meeting for all staff initiated by the divisions of Management & Organisation and Work & Employment with a turn-out of more than 70 people. Further meetings are planned to discuss the current situation and the future of ULSB.

We also note that the case has created a public outcry, with open letters of condemnation from several scholarly institutions and academic journals as well as an open letter to the Vice Chancellor signed by more than 2400 academics around the world. Two external examiners for ULSB have also recently resigned in protest. In his rejection of an all-staff meeting, the Dean stated that he will talk to all stakeholders. However, the academic world does not seem to be of relevance at all for the future direction of ULSB. Otherwise, these voices would have been taken into consideration and a dialogue would have been initiated.

In conclusion, we call on you to remove the Case for Change and start an inclusive discussion about the future of the school. We would be keen to work with the senior management team on this in a genuine and constructive spirit of consultation and engagement. We also welcome proposals to strengthen ULSB through expertise in Business Analytics and Operations. Yet if these proposed changes really are 'strategic rather than financial' as claimed in the slides of the first group consultation, we can do this through a positive case of change in a way that does not reduce overall staff numbers, or any require compulsory redundancies.