

# Exploration of Employment-at-Will and Its Perceived Implications for Employee Engagement in Higher Education

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This qualitative study explores employment-at-will and its perceived implications for employee engagement within Higher Education institutions. The study adopted a phenomenological tradition to capture higher education employees' perspectives and lived experiences under an employment-at-will policy. Participants were selected using a purposeful and snowball sampling approach. Data was collected from twelve (12) participants, non-tenured faculty, and administrative and support staff at Higher Education institutions in Maryland. It used in-depth semi-structured interviews that allowed participants to share their insights and personal narratives regarding the implications of employment-at-will on their engagement levels and overall job experiences. A thematic analysis of the interview transcripts identified key emerging themes and patterns.

The findings indicated that participants perceived employment at-will had significant implications for employee engagement. They reported concerns about their perceived lack of job security and trust, the power imbalance inherent in the employment-at-will framework, and the vulnerability and uncertainty that undermine their willingness to invest their physical, cognitive, and emotional resources into their work roles. The study provides valuable and practical insights for Higher Education leaders and policymakers by highlighting the need to re-evaluate employment practices and policies to foster a more engaged and committed workforce. Recommendations include implementing open communication, providing clear feedback and career development opportunities, transparent performance management systems, and cultivating a more collaborative and supportive organizational culture. By shedding light on employees' lived experiences under at-will policies, this study contributes to the existing literature on employment-at-will in the Higher Education context. The results underscore the importance of addressing the challenges posed by employment-at-will policies to enhance employee engagement, motivation, and ultimately, higher education institutions' overall effectiveness and success.

*Keywords:* employment-at-will, employee engagement, Higher Education, phenomenology

## Introduction

Employment-at-will (EAW) is a legal principle that allows employers to terminate an employee's employment relationship at any time, for any reason, or no reason at all, as long as the termination does not violate established laws or public policies (Muhl, 2001).

This principle was applied for the first time in the case of *Payne v. Western & Atlantic Railroad*, where it was argued that the employer and the employee are free to terminate the employment relationship without

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cause or advance notice (McPhail & Ozcan, 2021). The origins of this doctrine can be traced back to the late 19th century, where it was implemented to promote labor market flexibility (Summer, 2000). It has become one of the significant legal doctrines impacting employment relationships in the United States (Acharya et al., 2014). As it has been widely adopted across the country, with variations in some cases, employment-at-will is an applicable default rule in the state of Maryland, (Md. Code Ann., Lab. & Empl. § 3-304), with some exceptions, such as the violation of public policy, an implied contract, a covenant of good faith and fair dealing (Summer, 2000).

This doctrine has been found to have significant implications for employee engagement, particularly in the context of higher education institutions. Researchers have argued that the lack of job security associated with at-will employment can lead to decreased employee commitment, increased turnover, and reduced engagement and organizational citizenship behaviors (Gely, Bierman, & Johnson, 2006). In Higher Education, studies have highlighted the unique challenges faced by institutions that operate within at-will employment frameworks, such as the difficulty in attracting and retaining talented faculty and staff (Kezar & Maxey, 2013; Ott & Dippold, 2018).

Employee engagement (EE) is a multifaceted construct that refers to an employee's physical, cognitive, and emotional commitment to their work and the organization (Kahn, 1990). Engaged employees are characterized by a sense of energy, dedication, and absorption in their work, which leads to positive organizational outcomes, such as increased productivity, job satisfaction, and organizational commitment (Schaufeli & Bakker, 2004).

Research has shown that various factors, including the work environment, leadership, and organizational support, can influence employee engagement (Bakker & Demerouti, 2008).

In the context of employment-at-will, the perceived lack of job security and the power imbalance between employers and employees can significantly impact employee engagement (Sora, Caballer, & Peiró, 2010).

The Higher Education landscape in the United States is formed by a mix of public and private institutions, research universities, liberal arts colleges, and other specialized institutions play a vital role in workforce development, knowledge creation, and economic growth (Holford, 2019). As a significant employer in many states, including Maryland (Maryland Higher Education Commission, 2022), understanding the factors influencing employee engagement within this sector is crucial for its continued success and sustainability (Kezar & Maxey, 2013).

### **Background of the Problem**

Higher education institutions are challenged to maintain high levels of employee engagement, which is crucial for supporting the institution's mission and goals (Shuck & Wollard, 2010). Higher Education employees play a vital role by providing critical administrative, academic, and support services to help achieve academic goals and missions. They shape the educational experience and the institution's overall success and reputation (Kezar & Maxey, 2016; Zopiatis & Theocharous, 2022). As a common practice in this sector, the employment-at-will policy continues to be a growing concern, especially for non-tenured faculty and other administrative and support staff, who can be terminated anytime without a reason. This has been found to have some implications, especially for employee engagement. Unpacking the scope of these perceived implications is essential for higher education institutions, where the quality of service, employee performance, and the institutional reputation are closely tied to employee engagement.

The empirical evidence on the implications of the employment-at-will policy and employee engagement in higher education institutions is limited. Existing studies have either focused on broader national trends or have not explicitly examined the unique dynamics within Maryland's Higher Education sector. The study explores how the at-will employment framework shapes employee engagement levels in Higher Education in Maryland.

### **Philosophical Assumptions Guiding Research**

The qualitative phenomenological study on the "Exploration of the Employment-at-Will and Its Perceived Implications for Employee Engagement in Higher Education in the State of Maryland" underpins several philosophical assumptions guiding the research approach and design.

#### **Ontological Assumption**

The study is grounded in a constructivist ontological perspective, which holds that reality is subjective and socially constructed (Creswell & Poth, 2018). There is an assumption that the perceptions and lived experiences of higher education employees in Maryland regarding the employment-at-will doctrine and its impact on their engagement are multiple, varied, and shaped by their individual and collective social, cultural, and historical contexts.

#### **Epistemological Assumption**

The study is informed by an interpretivist epistemology, which emphasizes the importance of understanding individuals' subjective meanings and interpretations of their lived experiences (Guba & Lincoln, 1994). The researcher aims to gain an in-depth understanding of how higher education employees in Maryland make sense of the employment-at-will doctrine and its implications for their engagement, rather than seeking to uncover a single, objective truth.

#### **Axiological Assumption**

The study is guided by an axiological assumption that acknowledges the role of the researchers' values, biases, and perspectives in the research process (Creswell & Poth, 2018). The researchers recognize that their own experiences and worldviews may influence the data collection, analysis, and interpretation, and they employ strategies such as bracketing and reflexivity to enhance the trustworthiness and credibility of the findings.

#### **Methodological Assumption**

The study adopts a qualitative phenomenological research design, which aligns with the constructivist ontology and interpretivist epistemology. This approach allows for the capture of the lived experiences and perceptions of the participants, exploring the essence of how the employment-at-will doctrine is experienced and its perceived implications for employee engagement (Moustakas, 1994). These philosophical assumptions are evidenced in existing literature on qualitative research methodologies and their underlying philosophical foundations. Creswell and Poth (2018) emphasize the importance of aligning research questions, design, and methods with the researcher's philosophical worldview and assumptions. Similarly, Guba & Lincoln (1994) highlight the role of ontological, epistemological, and axiological assumptions in shaping the overall research approach. The choice of a qualitative phenomenological inquiry for this study is supported by the work of Moustakas (1994), who argues that this methodology is well-suited for exploring individuals' lived experiences and perceptions within a specific context. Additionally, the focus on understanding the subjective experiences

and meanings attached to the employment-at-will doctrine aligns with the interpretivist epistemology, as evidenced in the research on organizational behavior and employee engagement (Saks, 2006; Shuck & Wollard, 2010).

By articulating the philosophical assumptions that underpin this study, the research provides a clear and transparent rationale for its methodological choices, enhancing the credibility and trustworthiness of the findings.

## **Significance of Study**

### **Methodological Significance**

This study will contribute to the existing literature by employing a qualitative approach, which allows for a more in-depth exploration of the experiences and perceptions of employees within Maryland's Higher Education institutions (Creswell & Poth, 2018).

This specific qualitative and phenomenological study will advance, refine, and expand knowledge, establish facts, and reach new conclusions using systematic inquiry and disciplined methods (Polit & Beck, 2012; Creswell & Poth, 2018).

### **Theoretical Significance**

The study is grounded in the theoretical framework of employee engagement, which has been widely studied and applied in organizational research. Employee engagement is a multifaceted construct that refers to the level of an employee's physical, cognitive, and emotional commitment to their work and the organization (Kahn, 1990; Schaufeli & Bakker, 2004). This study makes several theoretical contributions by exploring the perceived implications of the employment-at-will doctrine on employee engagement in the Higher Education sector.

The study will provide insights into how the unique characteristics and challenges of the Higher Education sector may shape the relationship between the employment-at-will doctrine and employee engagement, thereby contextualizing the theoretical understanding of engagement in this specific organizational setting.

In addition, by examining the perceived implications of the employment-at-will doctrine on employee engagement, the study will enhance the theoretical understanding of the antecedents and contributing factors that influence employee engagement, particularly in job security and power dynamics.

Finally, the findings of this study will inform future research by serving as a foundation for further theoretical exploration and empirical investigation into the complex interplay between organizational policies, job demands, and employee engagement in various sectors and contexts, and therefore contribute to the larger body of knowledge on organizational behavior, human resource management, and labor laws.

### **Practical Significance**

The study on the "Exploration of the Employment-at-Will Doctrine and Its Perceived Implications for Employee Engagement in Higher Education in the State of Maryland" holds significant practical significance, particularly for organizational leadership and Higher Education administration. First, for organizational leadership, the findings of this study can provide valuable insights for organizational leaders, both within the higher education sector and beyond, regarding the potential impact of the employment-at-will doctrine on employee engagement and overall organizational effectiveness. It can enhance employee engagement by helping organizational leaders better understand the factors contributing to or hindering employee engagement (Shuck & Wollard, 2010). This knowledge can inform the development of strategies and policies to foster a more engaged

workforce, which has been linked to improved organizational performance, productivity, and innovation (Bakker & Demerouti, 2008; Saks, 2006). The study can also help address workplace challenges by guiding organizational leaders in identifying and addressing systemic challenges that undermine employee well-being and organizational effectiveness (McPhail & Ozcan, 2021). By understanding the perceived implications of the employment-at-will doctrine, leaders can explore alternative approaches to managing the workforce that promote trust, fairness, and a supportive work environment. As this study focuses on the Higher Education sector, it holds particular relevance for leaders in this area, as they navigate the unique challenges and opportunities within this context. The findings can inform higher education leaders' strategies for attracting and retaining talented faculty and staff, essential for delivering high-quality educational experiences and driving institutional success (Kezar & Maxey, 2013). Understanding the perceived implications of the employment-at-will doctrine can help leaders craft policies and practices that address employee concerns and foster a more engaged and committed workforce. The study explores strategies that higher education employees believe could help mitigate the challenges posed by the employment-at-will doctrine and can guide higher education leaders in cultivating a supportive and collaborative work culture (Kezar & Maxey, 2013). By addressing the systemic issues and creating an environment that nurtures employee engagement, higher education leaders can enhance institutional performance, reputation, and the overall quality of the educational experience.

Finally, the insights gained from this study can inform policy and regulatory discussions within the Higher Education sector, particularly regarding the potential need for reforms or modifications to the employment-at-will doctrine (Elrod & Roth, 2019). Higher Education leaders can leverage the study's findings to advocate for changes that promote greater job security, due process, and employee engagement, ultimately contributing to their institutions' long-term sustainability and success. By addressing the practical significance of this study, the researchers can demonstrate the potential for the findings to inform and guide organizational leadership, particularly in the higher education sector, to create a more engaged, productive, and committed workforce.

### **Scope of the Study**

The primary objective of this study is to unpack the interplay between employment at will and employee engagement by examining the phenomenon and its perceived implications for employees' engagement in Higher Education. The unit of analysis for this study is the Higher Education institutions, comprising of public and private universities and colleges. The study's target population comprises non-tenured faculty and administrative and support staff with at least two years of experience in Higher Education. The sample size for the study is 12 participants. Creswell (2013) suggests that a sample size of five to 25 participants is typical for a phenomenological study, with 10 to 15 participants being a standard range. The geographical scope is the State of Maryland in the USA. The rationale for the choice is that Maryland is considered an at-will state. In addition, it offers the luxury of participants' accessibility, feasibility, and potential for transferability (Creswell & Poth, 2018).

### **Literature Review**

#### **Employee Engagement**

Employee engagement is critical to Higher Education institutions' success and sustainability. Kahn (1990) defines employee engagement as harnessing organization members' selves to their work roles, where individuals

express themselves physically, cognitively, and emotionally during role performances. As key tenets, engaged employees exhibit heightened levels of vigor, dedication, and absorption in their work (Schaufeli & Bakker, 2004), which can lead to positive organizational outcomes, such as increased productivity, reduced turnover, and enhanced customer satisfaction.

### **Employee Engagement in Higher Education**

The Higher Education sector has faced various challenges in maintaining high levels of employee engagement, particularly among non-tenured faculty. Kezar and Maxey (2013) note that the increasing reliance on contingent and adjunct faculty, who often lack job security and benefits, has contributed to a decline in employee engagement and a shift in the academic workforce. Ott and Dippold (2018) find that non-tenured faculty members prefer full-time academic positions, suggesting that the employment-at-will framework may significantly influence their engagement and commitment to the institution. Seipel and Larson (2018) find that perceived job insecurity among non-tenured-track faculty was negatively associated with their work engagement and organizational commitment. Similarly, Nica (2018) emphasizes the importance of job security and career development opportunities in fostering engaged and productive academic staff.

### **Employment-at-Will**

Gely & Bierman (2006) argue that the at-will employment framework can create a power imbalance between employers and employees, leading to a perceived lack of job security and trust, negatively impacting employee engagement and organizational commitment.

Roes (2012) notes that the erosion of the employment-at-will doctrine through various legal exceptions and the rise of wrongful discharge claims have provided some protection for employees. However, the Higher Education sector, particularly for non-tenured faculty, remains governed mainly by the at-will employment framework, with limited legal recourse for termination without cause. Nica and Potcovaru (2016) highlight the need for more robust legal protections and collective bargaining agreements to address the challenges faced by non-tenure-track faculty. Strunk et al. (2016) examine the impact of state-level policies on faculty employment conditions and find that stronger tenure protections were associated with higher levels of job satisfaction and retention.

### **Employment-at-Will and Employee Engagement**

Various studies have explored the link between the employment-at-will doctrine and employee engagement in various sectors, including higher education. The study of Seipel and Larson (2018) found that perceived job insecurity among non-tenure-track faculty was negatively associated with their work engagement and organizational commitment. The study of Nica (2018) emphasized the importance of job security and career development opportunities in fostering engaged and productive academic staff. The study of Nica and Potcovaru (2016) highlighted the need for more robust legal protections and collective bargaining agreements to address the challenges faced by non-tenure-track faculty. The findings consistently suggest that the at-will employment framework and the perceived job insecurity it creates can harm employee engagement and organizational commitment. Studies have usually linked employment-at-will to job insecurity. Many research studies have indicated that secure employees will likely be engaged and committed to their work (Kahn, 1990). Conversely, job insecurity can lead to stress, lower job satisfaction, and reduced engagement. In higher education, the lack of job security for at-will employees may hinder their ability to engage fully with their roles and responsibilities.

Literature has shown that the employment-at-will doctrine can contribute to increased job insecurity and a perceived lack of control, negatively impacting employee engagement, job satisfaction, and overall well-being (Piccoli & De Witte, 2015). Employees who feel vulnerable to arbitrary dismissal may be less inclined to voice their concerns, take risks, or fully commit to their work, potentially hindering organizational effectiveness and innovation (Wilkin & Billsberry, 2014). Studies show that employees are more likely to be engaged when they perceive their organization as fair and supportive. However, in environments where employment-at-will is prevalent, employees may feel undervalued and insecure, leading to disengagement.

Despite the growing body of research on employment-at-will and employee engagement, a notable gap remains in the literature that explicitly addresses these issues within the context of Maryland's Higher Education institutions. Most studies have focused on broader contexts or specific industries, leaving a need for targeted research that considers local factors, policies, and institutional cultures in the context of Maryland's Higher Education institutions.

### **Theoretical Framework**

The employee engagement framework outlines several key tenets and dimensions that contribute to employee engagement in the workplace. Tenets of Employee Engagement Theory involve:

Psychological conditions of engagement: The psychological state of the employee, including meaningfulness, safety, and availability, influences their engagement level (Kahn, 1990).

Dimensions of employee engagement associated with the framework include vigor, the employee's energy level, mental resilience, and persistence in their work; dedication, which is the employee's sense of significance, enthusiasm, and pride in their work. Absorption is the employee's focus, concentration, and immersion level in their work tasks. These tenets and dimensions of employee engagement theory provide a comprehensive framework for understanding the complex and multifaceted nature of employee engagement, which is crucial for organizations to foster a highly engaged and productive workforce.

Other competing theories include the Social Exchange Theory (SET). It is the reciprocal relationship between the employee and the organization, where the employee feels obligated to engage and perform well in exchange for specific organizational resources and support (Blau, 1964). The integration of the SET provides a comprehensive theoretical foundation for the proposed study, allowing for a deeper understanding of how the employment-at-will doctrine, inherent power dynamics, and job security implications shape the employee engagement within the Higher Education sector in Maryland.

### **Conceptual Framework**

This study is grounded in the research question. The framework suggests that employment-at-will creates a perception of job security. As this perception decreases, it affects employee engagement, likely diminishing it, leading to adverse outcomes such as employee engagement.

The framework suggests that employment-at-will creates a perception of job security. As this perception decreases, it affects employee engagement, likely diminishing it, leading to adverse outcomes for both employees and the institution (Kahn, 1990).

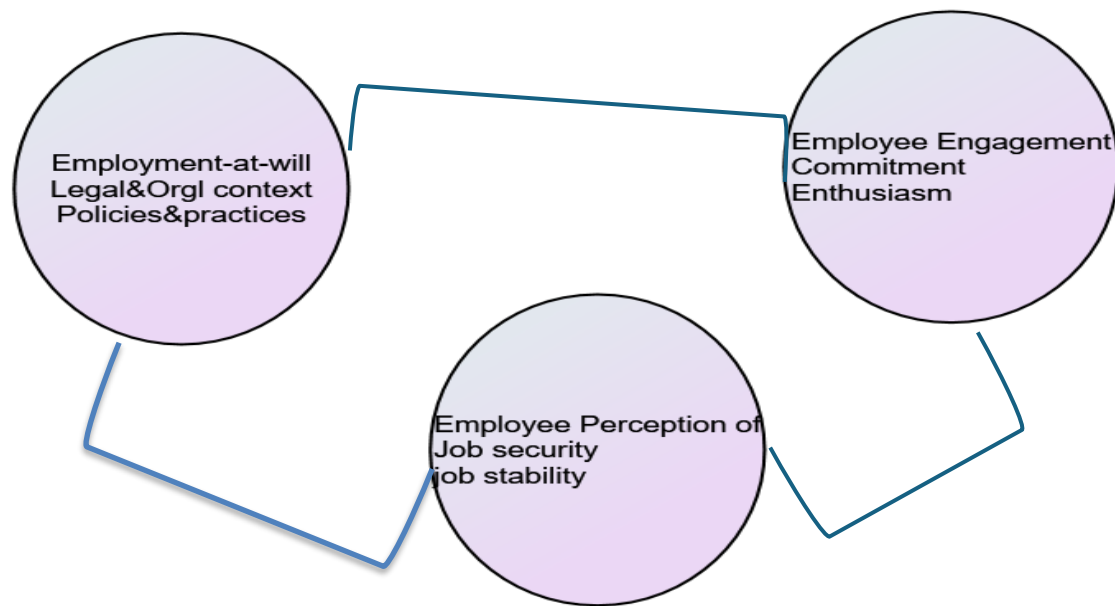


Figure 1. Conceptual model.

### Research Questions

#### Overarching Question

How does the employment-at-will impact employee engagement among Higher Education employees in Maryland?

**Sub-question 1.** How do Higher Education employees in Maryland perceive employment-at-will as applied to their institutions and work environment?

**Sub-question 2.** How do Higher Education employees' perceptions of employment-at-will shape their engagement levels?

**Sub-question 3.** What strategies do Higher Education employees believe could help mitigate the challenges posed by applying employment-at-will and increase their engagement levels?

### Research Design and Methodology

Qualitative and phenomenological design was used for this study.

Qualitative design emphasizes the meanings and processes that are not investigated through experiments or measured in terms of quantity, amount, or frequency (Denzin & Lincoln, 2000).

Qualitative studies explore the deeper meanings individuals assign to their lived experiences (Marshall & Rossman, 2006). Phenomenology focuses on understanding the lived experiences of individuals and aims to uncover the essence of those experiences (Creswell, 2013). The approach will allow for themes and patterns of meaning to emerge from the focused semi-structured interview

### Study Participants

**Sampling:** A purposive sampling was used to select participants for this qualitative study. Purposive sampling involves choosing individuals who can provide rich, relevant information about the research topic (Palinkas et al., 2015). The study used a sample of 12 participants, employees at higher education institutions in



Maryland who experienced the employee-at-will phenomenon (Creswell & Poth, 2018). This sample size was deemed appropriate since Creswell (2013) suggests that a sample size of five to 25 participants is typical for a phenomenological study, with 10 to 15 participants being a standard range. Participants were selected based on their employment status: All non-tenured faculty, administrative, and support staff, based on their experience dealing with employment-at-will and their willingness to participate freely in the study. From a demographic's perspective, diversity was observed. There were males and females from different ethnicities, aged 35 to 70, who were employed in higher education for at least three years (see Table 3).

### **Data Collection**

Participants were identified and invited through email. A detailed email was sent with an indication of the purpose of the study, the guarantee of confidentiality, the timeframe for the interview, and the informed consent form.

A semi-structured interview guide was developed, including six open-ended questions designed to elicit detailed responses about participants' experiences with the employee-at-will and employee engagement. Each interview lasted approximately 30-45 minutes and was conducted in a private setting, via Google Meet video conferencing for flexibility purposes. Interviews were audio and video recorded with participants' consent and transcribed using Google Meet and the AI Otter pilot for analysis. Field notes were also taken to capture non-verbal cues and contextual information during the interviews (Holloway & Galvin, 2016). Questions were not specified in advance. The researcher developed the interview questions in this study based on the review of related literature and the research questions. Follow-up questions were asked to gather sufficient data on participants' experience with the phenomenon. This method allows for flexibility in questioning while ensuring that key topics are covered (Kvale & Brinkmann, 2015).

### **Data Analysis**

After transcription, all the transcripts were reviewed multiple times to become familiar with the data and identify initial codes and themes (Braun & Clarke, 2006). This step was crucial for understanding the participants' narratives comprehensively. A thematic analysis was employed to analyze the data. This method involves identifying, analyzing, and reporting patterns (themes) within the data (Braun & Clarke, 2006). For this research, the hand coding process was used. Initial codes were generated, focusing on significant statements about employment at will and employee engagement. Codes were grouped into broader themes that capture the essence of participants' experiences. All the different themes were reviewed and refined to represent the data accurately and address the research questions. Finally, each theme was clearly defined and named, providing a coherent narrative of the findings. Selected participant quotes were also attached to the themes to answer the research questions.

### **Findings**

The objective of the study was to examine higher education employees' experiences of employment-at-will and its implications on employee engagement. In order to answer this research objective, qualitative data gathered from non-tenured faculty, administrative and support staff from higher education institutions in Maryland using a semi-structured interview. Transcripts from participant experiences were thematically analyzed and the following themes emerged as displayed in Table 1 and Table 2.

Table 1  
Summary of Findings Addressing the Research Questions

Research Questions	Themes	Participants and Quotes
1. How do Higher Education employees in Maryland view employment-at-will as applied to their institutions and work environment?	(1) Lack of Job Security	<ul style="list-style-type: none"> <li>• <b>P6:</b> "Soon after, I was let go with no cause, no reason, just thank you very much. I appreciate it. We no longer will be needing your services".</li> <li>• <b>P7:</b> "People talk, and they will say. Oh, do not go work there, because you could be let go after six months or a year".</li> <li>• <b>P12:</b> "There is no stability there. It is always in my mind that I could be let go at any moment, even if I am doing my job well. That feeling of uncertainty is draining".</li> </ul>
	(2) Culture of Fear	<ul style="list-style-type: none"> <li>• <b>P8:</b> "It scares me for the implications of receiving additional funds until I find a new job. Moreover, by that I mean additional funds and the way of filing for unemployment, I could be let go with no reason, no cause, in an at-will work state, and for whatever reason, this employer could try and stop me from getting unemployment".</li> <li>• <b>P9:</b> "I think it is hard and very stressful for employees, because what if you get into a job and you are doing well, but the way you do your job is a little unconventional, or the way you interact with your coworkers is unconventional or rubs somebody the wrong way".</li> <li>• <b>P5:</b> "If there are certain team members who have more protection, like having tenured positions, than someone who is not in a tenured protected position, there is a lot more stress and pressure on the person who does not have the protection".</li> </ul>
	(3) Limited Talent Attraction and Retention	<ul style="list-style-type: none"> <li>• <b>P5:</b> "If, if somebody is going to want to attract me, to come to their state, to uproot my entire family and my life, to come and start new in a different state, and it is an at-will work state, it is going to impact my decision".</li> <li>• <b>P8:</b> "It does help me plan for the future, like I am always looking for something else. I cannot say that I always keep my spirit open to other employment opportunities, because I know I can terminate my contract. I know that my employer can terminate my contract".</li> </ul>
RQ2. How do Higher Education employees' perceptions of employment-at-will shape their engagement levels?	(4) Lack of Motivation	<ul style="list-style-type: none"> <li>• <b>P4:</b> "An employee who knows they could be let go at any time would always be looking for something different. For me, it causes me to work harder because or give my best at all times because I know that there is good if you have justifiable reasons to let me go, you are going to let me go, versus if I am a hard worker, then you do not have your I know that I have done my best and you still let me go".</li> <li>• <b>P6:</b> "Then it puts me in an uncertainty position where, you know, my drive, my engagement low, you know, I will not have time to contribute to the team as much as I, you know, as I want to you know, if you would just do what is exactly expected of you, and you will not have time to use any creativity".</li> </ul>
	(5) Lack of Ownership	<ul style="list-style-type: none"> <li>• <b>P4:</b> "I think the culture of fear again makes people not take ownership. I think it also limits people from exploring beyond the job functions they are assigned, versus being self-starters, because they are worried about stepping on someone else's toes and the consequences".</li> </ul>
RQ3. What Strategies do Higher Education employees believe could help mitigate the challenges posed by employment-at-will?	(6) Transparency and Open Communication	<ul style="list-style-type: none"> <li>• <b>P8:</b> "The universities, the higher education, should make sure that policies and regulations are clear".</li> <li>• <b>P6:</b> "I feel like constant communication is key. Because again, if it depends on the individual, if there is clear communication on what is expected, then you know you are expecting the employee at will to perform exactly what they have been asked to do".</li> <li>• <b>P4:</b> "First of all, you need to talk about it, like do not just have people signing the contract. Tell them that you know you could be terminated anytime".</li> </ul>
	(7) Union Negotiation	<ul style="list-style-type: none"> <li>• <b>P4:</b> "The union fought very heavily to mitigate the at-will practices, citing a lot of the things that I stated, you have several employees, and in order for employees to do their job successfully and without the stress of losing their livelihood".</li> <li>• <b>P11:</b> "I was able to join a union, hoping that at least I have some type of advocacy in case they say, we need to do this, that or the other. If you are not aware of all the laws and legal things, the unions would perhaps help you".</li> </ul>

Table 2

*Unexpected Findings*

<b>(8) Ambivalent Stance (Advantages Versus Detriments)</b>	<ul style="list-style-type: none"> <li>• <b>P4:</b> "I cannot say that it is good or bad, because I see the benefit in employee at will. I do".</li> <li>• <b>P5:</b> "I can certainly see why an at-will work state can be advantageous and supportive. I can also see where it is very costly to an employer".</li> <li>• <b>P1:</b> "I can see from an employee side, where it is helpful and supportive as well as a detriment to the employee".</li> <li>• <b>P10:</b> "I do not, I am neutral, because I feel like when I accept a job, I should just do my job. Um, so regardless of how, regardless of whether you can terminate me or not. That does not matter, because I know I accepted a job for some time".</li> </ul>
<b>(9) Limited Familiarity</b>	<ul style="list-style-type: none"> <li>• <b>P5:</b> "I am not as familiar with my institution regarding this particular policy. In the at-will work policy, I would need to do further research on what being a nontenured lecturer with a contract means, compared to an at-will work state. I would also need to do further research into the employee handbook and see if that specifically states something about whatever legislation".</li> <li>• <b>P4:</b> "No one talks about it. I will put it that way, it is not discussed".</li> </ul>
<b>(10) Budgetary Constraints</b>	<ul style="list-style-type: none"> <li>• <b>P1:</b> "For higher education, it is tough, because most of the time it has to do with budget". "And they need to be honest with why they let people go. If there are budget cuts, if there is a loss of funding, you need to be honest about that, and do not try to place it on the employee, saying, hey, well, we are letting you go because you missed two out of three classes this year, or whatever".</li> </ul>
<b>(11) Status Disparity</b>	<ul style="list-style-type: none"> <li>• <b>P9:</b> "If you are in a tenured position, you cannot necessarily just be removed. You are a key force within that department, and you have certain rights and protections of having received that tenure. However, unfortunately, it does not always go with the institution's culture".</li> <li>• <b>P2:</b> "If there are certain team members who have more protection, like having tenured positions, than someone who is not in a tenured protected position, there is a lot more stress and pressure on the person who does not have the protection".</li> </ul>

Table 3

*Participants' Demographics and Descriptive Statistics*

<b>Descriptive Statistics</b>					
	N	Minimum	Maximum	Mean	Std. Deviation
Age	12	0	1	.67	.492
Ethnicity	12	0	2	.42	.669
Role	12	0	1	.67	.492
Education	12	0	1	.08	.289
Tenure	12	3	22	10.96	6.642
Gender	12	0	1	.67	.492
Participant	12	1	12	6.50	3.606
Valid N (listwise)	12				

**Frequencies**

		<b>Statistics</b>						
		Age	Ethnicity	Role	Participant	Education	Tenure	Gender
N	Valid	12	12	12	12	12	12	12
	Missing	0	0	0	0	0	0	0

**Frequency Table**

		<b>Age</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	4	33.3	33.3	33.3
	Female	8	66.7	66.7	100.0
	Total	12	100.0	100.0	

		<b>Ethnicity</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Black	8	66.7	66.7	66.7
	White	3	25.0	25.0	91.7
	Asian	1	8.3	8.3	100.0
	Total	12	100.0	100.0	

		<b>Education</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Masters	11	91.7	91.7	91.7
	Doctorate	1	8.3	8.3	100.0
	Total	12	100.0	100.0	

		<b>Tenure</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	1	8.3	8.3	8.3
	5	3	25.0	25.0	33.3
	7	1	8.3	8.3	41.7
	8	1	8.3	8.3	50.0
	9	1	8.3	8.3	58.3
	15	2	16.7	16.7	75.0
	19	2	16.7	16.7	91.7
	22	1	8.3	8.3	100.0
	Total	12	100.0	100.0	

		<b>Gender</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	4	33.3	33.3	33.3
	Female	8	66.7	66.7	100.0
	Total	12	100.0	100.0	

## Discussion

From the main research question: How does the employment-at-will impact employee engagement among higher education employees in Maryland? The findings suggest that the employment-at-will doctrine significantly impacts employee engagement in the Higher Education sector in Maryland. Participants reported that the lack of job security and the power imbalance inherent in the employment-at-will framework have decreased their trust, commitment, and willingness to invest physical, cognitive, and emotional resources into their work roles. These behaviors are all recognized as key tenets of employee engagement (Kahn, 1990; Schaufeli & Bakker, 2004). One participant (P6) stated: *"It puts me in an uncertainty position where, you know, my drive, my engagement low, you know, I will not have time to contribute to the team as much as I, you know, as I want to you know, if you would just do what is exactly expected of you, and you will not have time to use any creativity"*. The emerging themes of lack of ownership and motivation are significant concerns for Higher Education institutions, where overall success relies on motivated and engaged staff.

When inquired how Maryland Higher Education employees view employment-at-will as applied to their institutions, participants expressed a range of perceptions regarding the employment-at-will doctrine, with some viewing it as a neutral and fair policy, and others perceiving it as a source of vulnerability and uncertainty (Elrod & Roth, 2019). Many participants described a *"culture of fear and stress"* that permeates their work environment, where the threat of arbitrary termination undermines their sense of job security and ownership (McPhail & Ozcan, 2021). Participant P8 clearly expressed with emotions visible from his nonverbal cues: *"It scares me thinking of the implications of receiving additional funds until I find a new job. Moreover, by that I mean additional funds and the way of filing for unemployment."* He added: *"I could be let go with no reason, no cause, in an at-will work state, and for whatever reason, this employer could try and stop me from getting unemployment"*. The fear visible from this participant's statement can have important implications for their engagement and jeopardize the overall quality of service provided in such a state of uncertainty. This shows a correlation between the culture of fear and the implications for employee engagement as framed in the main research question.

When asked how Higher Education employees' perceptions of employment-at-will shape their engagement levels, answers from participants suggest that the perceived lack of job security and the power imbalance associated with the employment-at-will doctrine negatively impact employee engagement (Sora et al., 2010). Participants reported feeling demotivated, less invested in their work, and less willing to go *"above and beyond"* due to the constant fear of losing their jobs (Bakker & Demerouti, 2008). The findings from this study suggest that Higher Education employees' perceptions of employment-at-will significantly impact their levels of engagement within the institution. Two key themes emerged: lack of ownership and motivation. Participants also reported that the employment-at-will doctrine created a perceived power imbalance between themselves and their employers, contributing to disempowerment and lack of ownership over their work (Jones & Pringle, 2015). The justification that their employment status could be terminated anytime, without clear justification, led many employees to feel they had little control or autonomy in their roles. This perceived lack of ownership and voice within the organization can negatively impact employee engagement, as individuals may be less inclined to take initiative, generate new ideas, or invest in the institution's long-term success (Kezar & Maxey, 2013). Participant P4 mentioned: *"I think the culture of fear again makes people not take ownership. It also limits people from exploring beyond the job functions they are assigned, versus being self-starters, because they are worried about stepping on someone else's toes and the consequences"*. When employees feel that their contributions and input

are not valued or have little influence over their work environment, their motivation, commitment, and engagement levels will likely decline. These findings underscore the importance of addressing the challenges posed by employment-at-will policies in the context of higher education. By implementing strategies to enhance job security, empower employees, and foster a sense of ownership, institutions can work to mitigate the negative impact on employee engagement and cultivate a more dedicated, motivated, and productive workforce. This *Answers* addresses the overarching question, as it links employee motivation to their engagement. Motivation is an important productivity factor, but it could also lead the organization to chaos. Higher Education institutions are usually demanding. Its success is closely linked to their employees' engagement and performance. Higher Education leaders should, therefore, consider policies and practices that keep their employees motivated, as these could be reflected in their engagement and overall performance.

As of the main strategies Higher Education employees believe could help mitigate the challenges posed by employment-at-will and increase their engagement, Participants suggested several strategies to address the challenges posed by the employment-at-will doctrine, including: (1) improved communication and transparency from leadership; (2) the implementation of formal grievance procedures and due process; (3) the provision of professional development opportunities to enhance job security and career advancement (Kezar & Maxey, 2013), and protection from union. The study's insights align with the theoretical frameworks discussed. The insights provided by participants in this study offer valuable perspectives on strategies that Higher Education institutions can implement to mitigate the challenges posed by employment-at-will policies and foster greater employee engagement. Three key themes emerged from the participant responses:

#### **Improved Communication and Transparency From Leadership**

For participant P8: *"The universities, the Higher Education, should ensure that policies and regulations are obvious"*. Participant P6 equally claimed: *"I feel like the constant communication is key. because again, if it depends on the individual, if there is clear communication on what is expected, then you know you are expecting the employee-at-will to perform exactly what they have been asked to do"*. From their responses, participants mainly emphasized the need for greater communication and transparency from institutional leadership regarding employment-at-will policies and their implications. Many expressed a desire for a clear, precise and consistent messaging about the specifics of these policies and the rationale behind their implementation (Levin & Hernandez, 2014). Improved communication can help address employees' limited familiarity and confusion, which was an unexpected finding. By providing more information and clarity, Higher Education institutions can empower employees to better understand their rights and responsibilities and feel more secure in their positions. This, in turn, can contribute to increased trust, job satisfaction, and overall engagement (Cuganesan, Guthrie, & Vranic, 2018).

Additionally, when asked to provide suggestions to help mitigate employment-at-will, participants highlighted the potential for professional development opportunities and the option for collective bargaining (through union membership) to help address the challenges posed by employment-at-will. P4 claimed: *"The union fought very heavily to mitigate the at will practices citing a lot of the things that I stated, you have several employees and in order for employees to do their job successfully and without the stress of losing their livelihood"*. Participant (P11) said: *"I was able to join union, hoping that at least I have some type of advocacy in case they say, we need to do this, that or other; if you are not aware of all the laws and legal things, the unions would perhaps help you"*. Engaging in collective bargaining can give employees a stronger voice and greater leverage

in negotiating the terms and conditions of their employment, including job security protections (Kezar & Maxey, 2013). This can help address the status disparities and ambivalent status identified among certain employee groups, such as contingent faculty. Access to training, mentorship, and career advancement pathways can equally empower employees to develop their skills and enhance their value to the institution, potentially mitigating concerns about job insecurity perceived in employment-at-will (Frenette & Warmington, 2019). By implementing these strategies, Higher Education institutions can work to address the challenges posed by employment-at-will policies and foster a more engaged, committed, and productive workforce. Prioritizing communication, fairness, professional development, and collective bargaining opportunities can create a work environment that values employee well-being and aligns with the institution's mission and goals.

Finally, the findings from this study exploring the implications of employment-at-will policies for employee engagement in higher education institutions in Maryland also reveal several unexpected themes that warrant further discussion.

### **Limited Familiarity With Employment-at-Will**

One of the key unexpected findings was the participants' limited familiarity with the employment-at-will doctrine and its implications. Most of the faculty and staff members interviewed expressed confusion or uncertainty about the specifics of employment-at-will policies and how they applied within their Higher Education context (Jones & Pringle, 2015). Participant (P5) expressed his "lack of knowledge" Participant (P6), claimed: *"I am not as familiar with my institution regarding this policy. In the at-will work policy, I would need to go and do further research on what being a non-tenured lecturer with a contract means, compared to an at-will work state"*. This lack of awareness suggests that institutions may not effectively communicate or educate their employees about the nuances of employment-at-will, which can have significant consequences for employee engagement and perceptions of job security. The literature indicates that a lack of understanding around employment-at-will policies can foster a climate of insecurity and mistrust, as employees may feel vulnerable to arbitrary or unjust termination (Rubenstein, 2017). This, in turn, can undermine employee engagement, as individuals may be less inclined to take risks, voice concerns, or fully commit to their work if they perceive a constant threat of dismissal (Farndale & Kelliher, 2013). This unexpected finding also addressed the research questions and the subsequent sub-questions. Institutions should prioritize transparent communication and education about employment-at-will to mitigate these adverse effects and promote a more engaged and committed workforce.

Another unexpected finding in this study was the perceived status disparity between faculty and staff, and the ambivalent status of certain employee groups, such as contingent or adjunct faculty, tenured, and non-tenured. Participants reported that tenured faculty members were often viewed as having higher status and greater job security than non-tenured and other staff, despite all being subject to the same workload or employment-at-will policies (Johnson & Ng, 2016). This status disparity can contribute to resentment, marginalization, and a lack of belonging among staff, contingent faculty, and tenured faculty, undermining their engagement and commitment to the institution, with critical implications for the organization's success (Kezar & Maxey, 2013). The ambivalent status of specific employee groups can further exacerbate these issues, as these individuals may feel disconnected from the institution and its mission, leading to reduced engagement and higher turnover intentions (Frenette & Warmington, 2019). The literature suggests that addressing these status disparities and promoting a more inclusive and equitable work environment can positively impact employee engagement and organizational

performance (Kezar & Maxey, 2013). Institutions should consider implementing policies and practices that recognize the contributions of all employees, regardless of their employment status, and foster a culture of respect and inclusion.

### **Budgetary Constraints and Institutional Priorities**

Participants also highlighted the role of budgetary constraints and institutional priorities in shaping the implementation and impact of employment-at-will policies. Many respondents reported that financial pressures and the prioritization of cost-saving measures over employee engagement and well-being contributed to the adverse effects of employment-at-will (Bolden & O'Regan, 2016). Participant Participant (P1) claimed that: *“For Higher Education, it is tough, because most of the time it has to do with budget, from my experience”*. The literature suggests that when institutions prioritize financial considerations over employee-centric policies and practices, trust, morale, and engagement among the workforce can be eroded (Bolden & O'Regan, 2016). Employees may perceive their well-being and job security as secondary to the institution's bottom line, leading to decreased commitment and increased turnover (Frenette & Warmington, 2019). Higher Education institutions should strive to balance financial sustainability and investment in employee engagement and development, especially when facing a budget freeze by the federal government. This may involve exploring alternative approaches to cost-saving measures, such as cross-training, job sharing, or voluntary retirement incentives, while ensuring that employment-at-will policies are implemented fairly and transparently (Bolden & O'Regan, 2016). Conducting this study has revealed the emergence of unexpected themes highlighting the complex and multifaceted nature of the relationship between employment-at-will policies and employee engagement in the higher education context. Addressing the issues of limited familiarity, status disparity, and budgetary constraints will be crucial for institutions seeking to foster a more engaged and committed workforce and, ultimately, enhance their overall organizational performance and competitiveness. However, all the study's findings offer valuable implications for policymakers, Higher Education administrators, and human resource professionals in Maryland and beyond. Addressing the systemic challenges posed by employment-at-will through policy reforms, organizational support, and collaborative approaches is necessary to create an environment that nurtures and sustains employee engagement in the Higher Education sector.

### **Conclusion**

The study's findings indicate that participants perceive the employment-at-will doctrine to significantly impact employee engagement in the higher education sector in Maryland. Participants reported that the perceived lack of job security and the power imbalance inherent in the employment-at-will framework can lead to decreased engagement among faculty and staff (Sora et al., 2010). Participants described a sense of vulnerability and uncertainty that undermines their willingness to invest their physical, cognitive, and emotional resources into their work roles, a key tenet of employee engagement (Kahn, 1990). These findings align with the existing literature on the detrimental effects of job insecurity on employee well-being and organizational outcomes (Kezar & Maxey, 2013; McPhail & Ozcan, 2021). The study successfully addressed the primary research question by exploring the perceived influence of the employment-at-will doctrine on employee engagement in the Higher Education sector in Maryland. The research objectives (understanding employees' lived experiences, identifying the key factors that shape engagement, and exploring potential strategies to mitigate the negative impacts) were met. This study contributes to the existing body of research by providing a nuanced, qualitative understanding of



the intersection between the employment-at-will doctrine and employee engagement in the specific context of Higher Education in Maryland. The findings offer valuable insights that can inform policy discussions, institutional practices, and future research to enhance employee engagement and promote more equitable employment relationships in higher education. The study successfully addressed the primary research question by exploring the perceived influence of the employment-at-will doctrine on employee engagement in the Higher Education sector in Maryland. The research objectives, which included understanding employees' lived experiences, identifying the key factors that shape engagement, and exploring potential strategies to mitigate the negative impacts, were effectively met through phenomenological inquiry. This study contributes to the existing body of research by providing a nuanced, qualitative understanding of the intersection between the employment-at-will doctrine and employee engagement in the specific context of Higher Education in Maryland. The findings offer valuable insights that can inform policy discussions, institutional practices, and future research to enhance employee engagement and promote more equitable employment relationships in Higher Education.

Based on the data collected and analyzed in this study, the employment-at-will doctrine represents a significant challenge to fostering a thriving and engaged workforce in Higher Education. While the doctrine may provide freedom and flexibility for employers and employees, the perceived lack of job security and the power imbalance it creates tend to undermine the social exchange and resource allocation processes crucial for employee engagement (Cropanzano & Mitchell, 2005; Demerouti, Bakker, Nachreiner, & Schaufeli, 2001). Addressing these systemic issues through policy reforms, organizational support, and collaborative approaches may be necessary to create an environment that nurtures and sustains employee engagement in Higher Education. This qualitative phenomenological study sheds light on the complex and often overlooked issue of the employment-at-will doctrine and its perceived implications for employee engagement in the Higher Education sector in Maryland. The findings provide a rich and nuanced understanding of this phenomenon, with clear connections to the theoretical frameworks and existing literature. The study's contributions can inform future research, policy discussions, and institutional practices to foster a more engaged and committed workforce in the higher education domain.

### **Limitations and Delimitations**

As limitations, the findings of this qualitative phenomenological study may have limited generalizability beyond the specific context of Higher Education institutions in Maryland. Participants' experiences and perceptions may not represent the broader population of employees in different geographical regions or industries.

The study utilizes a purposive sampling approach, which may introduce potential participant selection biases. The experiences and perspectives of faculty and staff who choose to participate may differ from those who decline to participate in the study. The study relies on self-reported data from the participants, which may be subject to potential biases, such as social desirability or recall bias. Participants' perceptions and experiences may not fully capture the objective realities of the employment-at-will doctrine and its impact on employee engagement. As a qualitative study, the researcher's experiences, preconceptions, and interpretations may influence the data collection, analysis, and reporting processes, despite efforts to practice bracketing and maintain reflexivity. The study is limited to the Higher Education sector in Maryland, which may have unique organizational cultures, policies, and practices that differ from those of other industries or geographic regions. The findings may not be directly applicable to other contexts.

As delimitation, the study conducted in the state of Maryland focuses on the Higher Education sector within this specific geographic region. The findings may not be generalized to other states or regions with different legal

and regulatory environments. It focuses on the Higher Education sector, specifically exploring the perspectives of faculty (non-tenured only) and staff employed in four-year universities in Maryland, not under collective bargaining agreements. The findings may not represent other higher education institutions, such as community colleges, tenured faculty, and other industries or sectors beyond Higher Education.

The study utilizes a qualitative phenomenological research design, which aims to capture the lived experiences and perceptions of the participants. This approach provides in-depth insights, but may limit the generalizability of the findings compared to quantitative or mixed-methods studies that could provide more empirical evidence of these implications. The study is delimited to a purposive sampling of non-tenured faculty and staff currently employed in Higher Education institutions in Maryland under no union contracts. The experiences and perspectives of the tenured faculty, retired staff, non-higher education employees, or those under collective bargaining agreements protection are omitted. Finally, the study relies on in-depth semi-structured interviews as the primary data collection method. Other possible data sources, such as structured interviews, focus groups, observations, or document analysis, are not included. All these limitations and delimitations are golden opportunities for exploration in future research.

### **Trustworthiness**

Ensuring the trustworthiness of qualitative research is critical to establishing the credibility and validity of the study findings. This research, which explores the implications of employment-at-will policies for employee engagement in Higher Education, has incorporated several strategies to enhance the study's trustworthiness, drawing on the recommendations from existing literature.

To strengthen the study's credibility, the researcher has engaged in member checking, wherein the preliminary findings and interpretations were shared with a subset of the participants to ensure that the researcher's understanding accurately reflects the participants' experiences and perspectives (Lincoln & Guba, 1985). This process helps to validate the credibility of the study's conclusions. Through this process, additional information was shared by the participants regarding some interview questions.

To enhance the transferability of the study's findings, the researcher has provided rich, thick descriptions of the research context, participant demographics, and the data collection and analysis procedures (Shenton, 2004). This level of detail allows readers to assess the applicability of the findings to other Higher Education institutions or contexts with similar characteristics. Additionally, the researcher has purposefully sampled participants from diverse roles and backgrounds within the Higher Education sector, including faculty(non-tenured), administrative and support staff members, to capture a range of perspectives and experiences (Palinkas et al., 2015). This approach contributes to the transferability of the findings by representing a broader spectrum of the Higher Education employee population.

To ensure the dependability and confirmability of the study, the researcher has maintained an audit trail, documenting the decision-making process, data analysis procedures, and the rationale for methodological choices (Lincoln & Guba, 1985). This audit trail allows for external scrutiny and enhances the transparency of the research process. The researcher has equally engaged in reflexivity, critically examining their biases, assumptions, and potential influence on the research process (Patton, 2015). This self-awareness helps to minimize the impact of researcher subjectivity and strengthen the confirmability of the study's findings. By incorporating these trustworthiness strategies, the researcher aims to establish the credibility, transferability, dependability, and confirmability of this study, contributing to the overall rigor and quality of the research.

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