

## **Tenure: Trends and Turmoil**

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### **Abstract**

This article represents a literature review on the controversial topic of academic tenure in higher education. While supporters of tenure view it as necessary to protect the academic freedom of professors and to promote the advancement of teaching and research, skeptics of tenure claim that it is an outmoded tradition and lifelong employment guarantee that few other professions enjoy. In this article, current trends are analyzed and recommendations are proposed regarding academic tenure.

*Keywords:* Tenure, Academic Freedom, Non-tenure track faculty, Contingent Faculty

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Academic tenure has been a controversial issue in higher education for many years. Supporters of tenure view it as necessary to protect the academic freedom of professors and to promote the advancement of teaching and research. Skeptics of tenure claim that it is an outmoded tradition and lifelong employment guarantee that few other professions enjoy. This article will examine the varied perspectives on tenure and the current trends regarding tenure in higher education. The following sections will be included: history of tenure and academic freedom, support for tenure, concerns about tenure, and trends and recommendations regarding tenure.

### **History of Tenure and Academic Freedom**

The concept of academic freedom has roots in the classical thinkers of Greece and Rome, as well as medieval European universities. During the nineteenth century, universities in Germany established academic tenure, largely to protect freedom of speech for professors (Loope, 1995). In the United States, freedom of speech is defended under the First Amendment

to the Constitution; however, academic freedom expands beyond just freedom of speech. Academic freedom ensures that professors may openly discuss potentially controversial topics in order to enhance academia, and they will not be dismissed from their job because of dissenting opinions of administrators or colleagues. As academic freedom became viewed as a necessity, the formal process of academic tenure was created. The American Association of University Professors (AAUP) was founded in 1915 and views tenure as necessary to ensure academic freedom. Tenure is “an arrangement whereby faculty members, after successful completion of a period of probationary service, can be dismissed only for adequate cause or other possible circumstances and only after a hearing before a faculty committee” (AAUP, 2013, p. 1).

Principles regarding tenure were established in the *Conference Statement on Academic Freedom and Tenure* in 1925, and in 1934, a series of joint conferences started between the AAUP and the Association of American Colleges, now referred to as the Association of American Colleges and Universities, or AACU (Academic Senate for California Community College, 1998). Members of the AAUP and AACU agreed on a restatement of the 1925 principles, known as the *1940 Statement of Principles on Academic Freedom and Tenure* following these joint conferences. This statement was also followed by interpretive comments in 1970, which clarified the improvements to the 1940 statement after 30 years of implementation. The purpose of the 1940 document was to “promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities” (AAUP, 2006, p. 3). The following comments about academic freedom and tenure were made in the 1940 statement:

### **Academic Freedom**

1. Teachers are allowed full freedom of research and publications
2. Teachers have the freedom to discuss controversial topics in their classroom, as long as it is relevant to their subject.
3. When college and university teachers speak and write as citizens, they should be free from institutional censorship and not speak for their institution, yet they should still display professionalism and accuracy in their communications.

### **Academic Tenure**

1. Specific terms and conditions of each tenure-track appointment should be stated in writing before the appointment begins.
2. Generally, probationary periods for assistant professors should last no longer than seven years, with special exceptions (e.g., transfer of institutions).
3. When a faculty member is terminated or dismissed, they have the right to due process, including a hearing before a faculty committee and the governing board of the institution.
4. Termination of a tenured appointment related to financial exigency must be demonstrably legitimate. (AAUP, 2006, pp. 3-4)

From 1930 to 1950, tenure became common practice at many American higher education institutions, with a particular increase after 1945, when soldiers returned from war and went back

to school. Universities were severely understaffed for the influx of students, and therefore, hired increasing numbers of tenure-track faculty members as incentive to join the professoriate (Loope, 1995).

### **Support for Tenure**

Originally, academic tenure was created to protect the academic freedom of professors, in research, publication, and teaching and learning. During the 1950's, tenure's ability to protect academic freedom stood up against accusations from Senator Joseph McCarthy that academicians were assisting Soviet espionage efforts in the United States (Schrecker, 1986). During these attacks (many of them false accusations), tenured professors at least had the defense of a faculty hearing and were supported by their institutions. Unfortunately, most untenured faculty members who rejected congressional investigations lost their jobs during this time. "McCarthyism," as it came to be known, presented the first challenge to academia in which tenure defended the rights of professors (Loope, 1995).

In addition to protecting academic freedom, tenure represents a shared commitment to quality among faculty members at an institution, promoting cohesion and accountability within a department and university. In addition, tenure protects professors from unjust treatment by administrators or colleagues, related to political issues or other problems that arise in the academic democracy (AAUP, 2013). Similar to the McCarthy accusations against academics, today many faculty members are targeted for legitimate and illegitimate reasons. When professors are wrongfully harassed because of personal or political motives of administrators, colleagues, or external stakeholders, tenure serves as a barrier to this unmerited behavior. For example, a dean cannot fire a tenured faculty member, solely because the dean has strong political motives to remove the faculty member.

Tenure also serves to attract talented individuals to the academic profession, by offering a level of economic security (Benjamin, 2013). The tenure incentive draws individuals into a faculty position and (hopefully) encourages them to stay in that position. Generally, tenured professors receive benefits such as healthcare and retirement plans, as well as the potential for promotions/salary increases. In many disciplines, academia must compete for professionals who would be well paid in industry jobs (e.g., medicine, engineering, business), and academic tenure provides a level of job security that few other employers are able to offer.

A great deal of research has been conducted about the effect of tenured faculty versus non-tenure-track faculty (NTTF), or contingent faculty, has on student learning outcomes. For the remainder of this article, "non-tenure-track faculty" and "contingent faculty" will be used interchangeably. Ehrenberg and Zhang (2005) compared institutions with high numbers of NTTF to those with low numbers of NTTF and discovered lower graduation rates at institutions with more NTTF. Similarly, students who took more courses with part-time, contingent faculty members were shown to have decreased graduation rates (Jacoby, 2006). Also, students taking courses with part-time, contingent faculty members (compared to students who took courses from tenure track faculty) were found to perform significantly worse in subsequent courses (Carrell & West, 2010). Finally, studies suggest that part-time NTTF utilize less active learning, less student-centered teaching methods, and less culturally sensitive teaching approaches (Baldwin & Wawrzynski, 2011; Banachowski, 1996; Umbach, 2008). One must consider, however, that all of these studies admit that they have not controlled for the working conditions

of NTTF and how that may affect the ability of NTTF to create successful student learning outcomes (Ehrenberg & Zhang, 2005; Jacoby, 2006; Umbach, 2008).

Kezar (2013) conducted a qualitative study that examined how departmental policies and practices influenced NTTF performance and their ability to create a positive learning environment for students. Data gathering methods included interviews with 107 faculty members from 25 departments across 3 four-year universities. Kezar (2013) observed both supportive and unsupportive policies that either positively or negatively affected NTTF performance. Results indicated the following factors that negatively influenced contingent faculty performance:

1. Last minute scheduling of courses
2. Impact of working at multiple institutions and the lack of commitment to hire back contingent faculty members
3. Lack of input to curriculum from contingent faculty members
4. Lack of learning resources (e.g., sample syllabi, professional development opportunities, department or university learning goals)
5. Limited opportunities for feedback and meaningful input from experienced faculty members
6. Lack of infrastructure for teaching including technology, materials, and office space. (Kezar, 2013, pp. 583-586)

Factors that positively affected NTTF performance were also present; however, most faculty members reported that these factors were not related to intentionally supportive policies; instead they were associated with the absence of negative policies (Kezar, 2013). These features were mentioned as positively affecting NTTF performance:

1. Departmental orientation and initial support
2. Autonomy in teaching and encouragement to experiment in teaching
3. Presence of an advocate or coordinator for contingent faculty members (Kezar, 2013, pp. 587-588).

Overall, NTTF perceive that departmental policies and practices influence their performance as instructors. While the results of this study found mostly unsupportive policies for NTTF, there is great potential for academic institutions to implement positive policies to enhance the performance of contingent faculty members. In contrast to NTTF, tenured and tenure-track faculty receive support and resources such as office space, input into curriculum, teaching materials, pre-scheduling of courses, mentoring, professional leaves, regular feedback, and professional development opportunities (Kezar, 2013).

### **Concerns about Tenure**

One major concern about academic tenure is that tenure lines are costly to institutions. In a *New York Times* opinion article, Richard Vedder (2010) claims that when his academic department granted tenure to an assistant professor, it produced a financial responsibility of over two million dollars (by offering the professor lifetime employment). Vedder argues that the large

fixed costs associated with academic tenure disable institutions from quickly moving resources to accommodate new teaching and research needs. He also claims that tenure promotes the “inefficient and expensive system of shared governance,” which involves committee decision-making and compromises, rather than reasonable policy-making (Vedder, 2010, p. 1). Similarly, Olswang (2003) criticized the concepts of tenure and academic freedom for producing inflexibility and inefficiency in higher education. With limited funding, higher education institutions are tempted to hire several part-time, contingent faculty members for approximately the same cost as a full-time faculty member (Johnson, 2011).

While tenure originated to protect academic freedom, critics argue that it has morphed into a promise of job security that impairs institutions’ dexterity to adapt to changing student needs. Opponents of tenure claim that it protects faculty who may become decreasingly productive after gaining tenure, which limits an institution’s resources and ability to provide quality education (Premeaux, 2012). Along with the financial incentive to hire less expensive contingent faculty members, researchers have studied the differences in learning outcomes produced by tenured versus contingent faculty members. Potter (2013), in the *Chronicle of Higher Education*, cited a study by Figlio, Schapiro, and Soter (2013) that reported non-tenured track faculty compared to tenured/tenure-track faculty caused students to take additional classes in a given subject, as well as guide students to better performance in future coursework. Potter countered this claim, citing that Figlio, Schapiro, and Soter: a) only studied freshman students, b) showed that freshman students were only seven percent more likely to take another course in a given discipline if their first class was taught by a contingent faculty member, and c) reported a grade increase of only .06 - .12 grade points in the second class.

### **Trends and Recommendations**

Throughout the past several decades, overall state funding has decreased for a number of U.S. institutions of higher education. From 2008 to 2013, state expenditures on higher education dropped 28% on average. All states except North Dakota and Wyoming spent less per student on higher education in 2013 compared to 2008. Over that 5-year span, Wyoming increased funding by 7.5%, while North Dakota increased funding by 16.5% per student. The financial constraints have prompted colleges and universities to hire an increasing number of contingent faculty positions. Approximately 70 percent of faculty members in U.S. higher education institutions are now on non-tenure-track status (Kezar, 2012). This trend away from hiring tenure-track faculty has sparked many of the aforementioned debates, including: the necessity of tenure, the effectiveness of tenure-track and non-tenure-track faculty, and the overall efficiency and flexibility of higher education institutions.

While supporters and critics of academic tenure argue passionately on either side of the debate, there are valid compromises. To ameliorate the issue of faculty members becoming less productive after attaining tenure status, there must be more emphasis placed on the post-tenure review process. Skeptics of post-tenure review (PTR) maintain that PTR is used to accentuate faculty duties and dilute academic freedom provided by tenure. Conversely, proponents of PTR claim that faculty members often slide into “semi-retirement” once they reach tenure (Robinson, Franklin, & Novicevic, 2012). A balance must be achieved, where PTR does not threaten the academic freedom of faculty members who are performing satisfactorily, yet it does carry

sufficient consequences to correct faculty members who begin to underperform. When implemented effectively, PTR has the ability to: a) dismiss a tenured faculty member for “just cause,” b) impose disciplinary actions other than termination (e.g., demotion, removal of travel or research support, denial of other resources until performance improves), or c) reward a tenured faculty member who is performing exceptionally (e.g., promotion). In a political environment that is contentiously debating academic tenure; post-tenure review represents a method for supplying the accountability that external stakeholders desire (Robinson et. al., 2012).

An alternative compromise is available if the current trend of hiring increasing numbers of contingent faculty members continues. If tenure is gradually phased out, then higher education institutions must treat non-tenured/contingent faculty members respectably and compensate them reasonably for their work. Increased salaries and benefits (e.g., healthcare), shared governance, professional development opportunities, and input into curriculum decisions are common aspirations of contingent faculty members. The lack of these resources affects the work environment of contingent faculty members, which, in turn, negatively affects the student-learning environment (Eagan & Jaeger, 2009; Umbach, 2007). Kezar and Sam (2013) contend that contingent faculty members often focus too narrowly on issues such as salary and benefits, rather than emphasizing deeper issues such as institutional climate and the inclusion of contingent faculty. In order to institutionalize change, contingent faculty must have a broader vision, including: a) developing awareness, b) building a rationale for their change, c) gathering support from departments, students, and accreditors, d) addressing underlying values of the institution, e) creating a plan of action, and f) taking leadership on major issues on campus (Kezar & Sam, 2013).

The trend toward hiring increasing numbers of contingent faculty members in order to reduce costs for an institution has become part of what is known as the “corporatization of higher education.” Several factors have influenced institutions’ use of corporate practices, including the decrease in public funding for higher education, driving institutions to search for resources elsewhere. Corporate models for operating academic institutions “value short-term profits over long-term investment in education, and they regard students not only as products, but also as customers” (Andrews, 2006, p. 16). If faculty members wish to reduce corporatization, they must lead the continuing-education movement, along with organizations such as the AAUP.

Looking at the trend toward viewing universities and colleges as businesses, consider the following quote:

It took the University of Pittsburgh Medical School’s Jonas Salk seven years to research and develop the polio vaccine that has virtually eradicated that horrific disease from society. Should he have been fired because he didn’t come up with it within a pre-determined time frame? How many businesses would allow someone that much time, and the inevitable disappointments and failures that routinely occur during attempts to make significant scientific progress? (Rooney, 2012, para. 16)

Academic tenure is undoubtedly a controversial topic in modern higher education. However, perhaps there is too much focus on the actual word “tenure.” Instead, faculty members should strive for excellence in all areas of scholarship, including research, as well as teaching and service, as Boyer (1990) suggested. In return for faculty members’ work, institutions must compensate them fairly and promote the advancement of higher education.

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