

The Significance of Tenure and Reasons Why It Should or Should Not Be Eliminated

The O'Neil chapter and the Nelson article (as well as many entire books) discuss academic freedom and faculty tenure. Do you believe tenure is still needed today? Or is it an outdated concept from the 1940s that needs to be eliminated so administrators can decide whether to issue 1-semester contracts to faculty and increase efficiency and function like private sector businesses? Why or why not?

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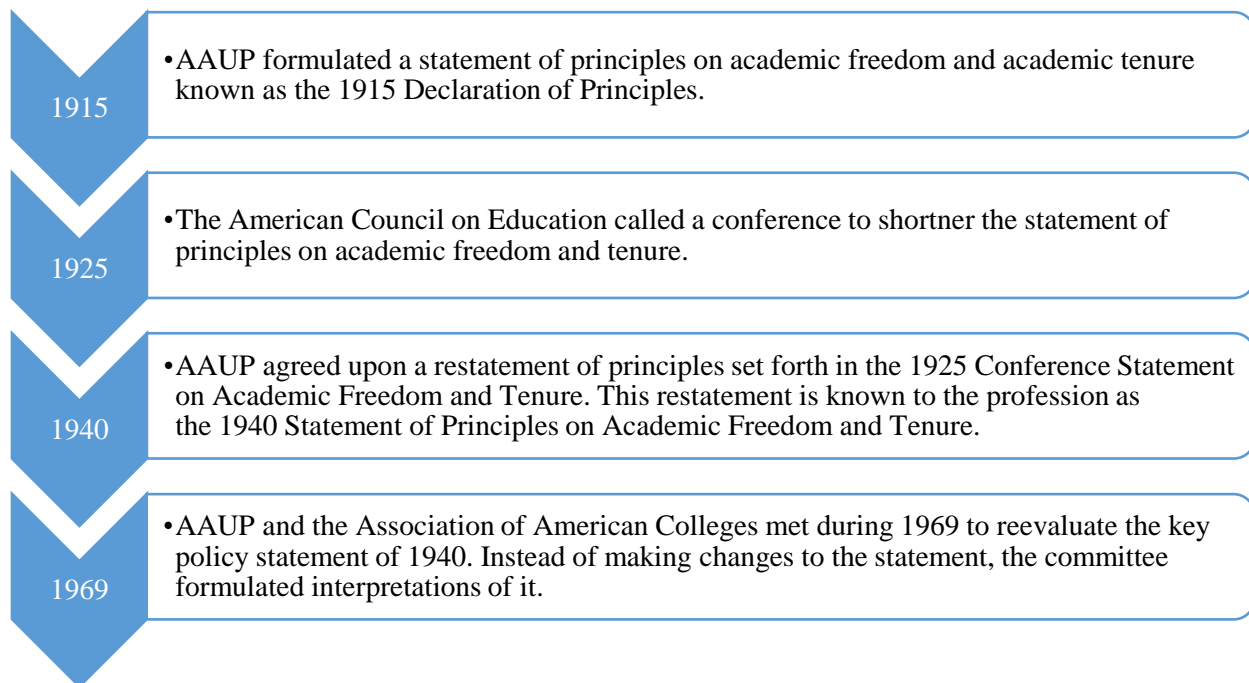
Over the course of decades, books, essays, and policies have been written and published about academic freedom and tenure. Within the collegiate community and the contemporary public, there have been widely differing perspectives on certain key issues such as the tenure system that defends the principle of academic freedom to preserve the intellectual integrity of our educational system and thus serve the public good (Nelson, 2010). But nevertheless, just as Greenberg (2012) questioned “if tenure is so vital, why is it on the defensive end, in fact, seriously losing ground?” The answer starts with the opposing views of those who believe tenure is an outdated concept from the 1940s that needs to be eliminated. In this paper, I will provide a brief history of how tenure came to be, the importance of tenure as a benefit to faculty and the institutions, and more important, its significance to the common good. I will then analyze the importance of tenure today, and the counter-arguments testifying that tenure is an outdated concept that needs to be eliminated. Moreover, I will compare the effects of academic tenure on higher education to the effects of 1-semester and non-tenure track contracts on higher education. I will also explore how in the past 12 months some institutions have failed to abide by the academic tenure system after faculty made public statements that were seen as controversial or offensive. Last, I will provide input about the possible future of tenure and academic freedom in institutions of higher education and a few possible solutions.

History and Background of Tenure and Academic Freedom

Since 1915, the American Association of University Professors (AAUP) has developed standards to conduct higher education towards service for the common good (AAUP, 2014). The committee of the 1940 Statement of Principles on Academic Freedom and Tenure declared in the statement that “the common good depends upon the free search for truth and its free exposition” (AAUP, 2014). The statement satisfied the hunger for standards of goodness and justice,

(Metzger, 1990) and served to promote public understanding and support of academic freedom and tenure, and created an agreement upon procedures to ensure them in institutions of higher education (AAUP, 2014). Figure 1 demonstrates a short timeline of how the Statement of Principles on Academic Freedom and Tenure came to be.

Figure 1. Timeline of the 1940 Statement of Principles on Academic Freedom and Tenure (AAUP, 2014)



The Significance and Importance of Tenure

Tenure is a benefit just like health care and vacation time and is a part of the total compensation package that faculty negotiate at the time of employment (Reis, 1999). When faculty members know they have the security of their job, they become less risk-averse and more likely to state their minds on controversial topics, and propose unpopular solutions to scientific or social problems facing the state, nation, and world (Loope, 1995). They are also able to use their intellectual independence and provide a higher quality education to the students (Nelson, 1997). Tenure also shields their academic freedom, which is an indispensable requisite for

unfettered teaching and research (AAUP, n.d.). Tenure also benefits the institutions because “stronger tenure provisions would attract a better pool of teacher candidates while improving the morale of the current teachers” (Korsunsky, 2011). Korsunsky added that without tenure, no institution would be able to “find decent candidates for a stressful job with no promotion opportunities, no objective quality indicators, plenty of public backlash, and a comparatively low salary.” Conversely, some see tenure as the “multi-million-dollar decision” because this is how much the institutions can foresee to commit for the rest of the faculty member’s career once he or she is appointed tenure (Manning & Jarow, 2012). Nevertheless, tenure provokes the most controversy through the misconception that its sole purpose is to ensure that faculty have “jobs for life.” In my opinion, the proponents of the elimination of tenure forget that tenure goes beyond securing a “job for life,” it serves the common good. They have to understand that “the common good is not served when business, political, or other entities can threaten the live hood of researchers and instructors, and thereby suppress the results of their work and modify their judgments” (AAUP, 2014). Therefore, at its most basic level, tenure is a shield for academic freedom.

Academic freedom as noted by Supreme Court Justice William J. Brennan, Jr., “is of transcendent value to all of us and not merely to the teachers concerned. That freedom is, therefore, a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom...The classroom is peculiarity a marketplace of ideas” (as cited in O’Neil, 2016, p.42).

Consequently, a college must be a place where all views can be aired (Nelson, 2010) because “higher education plays the unique and critical role in American society of shaping the dialogue on those ideas, philosophies, and traditions that undergird our entire civilization” (Loope, 1995).

Tenure explicitly affects students because they go to college to be taught to think rigorously and creatively and for that reason, those responsible for teaching them have to enjoy the intellectual independence that guarantees the quality and integrity of higher education. The protection from capricious dismissal is the only way professors can satisfy the educational needs of the students (Nelson, 2010). Furthermore, tenure allows faculty members to “question commonplace beliefs, challenge their college administrators, and criticize politicians without fear of reprisal” (Nelson 2010). This is a very important aspect of the tenure system because, as later described in the essay, faculty members that are not able to challenge and criticize without fear of reprisal fall victims to oppression and exploitation.

Reasons Tenure Needs to be Eliminated

Even before the official 1940 statement, AAUP considered the tenure system a crucial common good. Yet, “it came under attack in the 1970s and again in the 1990s” (Altbach, 2016) and once again in the recent years. Some have argued that permanent appointments offered to faculty once they had been evaluated and promoted induced sloth among those receiving tenure (Altbach, 2016). News outlets such as Fox News attacked tenure and provided claims that it “shields radicals who are trying to indoctrinate your children to overthrow the government” (Nelson, 2010). Even the responsible press projected that tenure promoted deadwood, and preserved an aging professoriate (Nelson, 2010). Nelson (1997) wrote that although no one wants to admit it, “there really is a problem with tenure.” He further explained that tenure allows for faculty members who lack intellectual vitality, who haven’t read current scholarship, and who have simply not measured up to the standards to be retained in the institutions (Nelson, 1997). Greenberg (2012) claimed that “neither the academy nor the AAUP, the chief guardian of the dogma, has developed a convincing argument that tenure is necessary.” Nelson (1997)

concluded that the problem seems insoluble because “our choice appears to be between living with incompetent or mediocre faculty members with tenure, or with untenured faculty members who have no influence, institutional loyalty, or protection if they exercise their intellectual freedom.” The tenure debates of the 1970s ended with the tenure system being intact. The 1990s renewed discussion also resulted in little direct change to tenure (Altbach, 2016).

In the recent years, the attacks have no longer left tenure intact, and the outcomes have been unlike those of the 1970s and 1990s. Current articles have shown that tenured professors have been fired or put in dismissal hearings for exercising their academic freedom. Take for example the tenured professor at Marquette University who was put in dismissal proceedings after he defended a student’s right to debate gay marriage (Svrluga, 2016). Another example is when the University of Illinois at Urbana-Champaign’s administration revoked a professor’s tenure. The professor said in an interview that “the university is keeping tenure for the blindly obedient but tenure’s original goal was to protect the freedom -- financially and professionally -- of independent thinkers” (Flaherty, 2014). Moreover, some states have proposed the elimination of tenure. One of the recent proposals was in Missouri where the lawmakers introduced legislation to eliminate tenure for all new faculty hires starting in 2018 at public colleges and universities (Flaherty, 2017). Another legislation in Iowa would end tenure even for those who already have it (Flaherty, 2017). In my view, eliminating tenure from these or other states and institutions, is a more important decision than the “multi-million-dollar” decision. The decision might save the states and the institutions money but the effects are not worth it. Faculty members will work in fear and not stand up to injustices or propose new ideas, the students will not learn all views of controversial issues, and more importantly, society will stop developing.

Even at my university, I see the current attacks on tenure. A professor at the University of Arkansas at Little Rock sent an email to the university's employees projecting his concerns about the proposed changes to the University of Arkansas System (UA system) Board of Trustees Policy 405.1, regarding tenure (Joshua Silverstein, email, October 23, 2017).

Silverstein, a professor of law, believed that "the proposed changes are a grave threat to tenure and academic freedom within the entire UA System. Most importantly, the revisions dramatically expand the grounds justifying termination for cause." He further explained that "If these changes are adopted, the damage to the University of Arkansas will be wide-ranging and likely permanent" (2017). If the board of Trustees make these changes to the UA system, I am certain the students, including myself, will be affected and such changes will contradict the current university's strategic plan and campaigns of putting students first. Without tenure, students will receive a blend, noncontroversial, and low quality educational experience that will be unable to help them grow and develop academically and individually.

Throughout the readings, I noted that most of the claims against the tenure system have little to no evidence. Additionally, just as Loope (1995) noted, "the awarding of tenure does not prevent an institution from reviewing a professor's performance or suspending or even dismissing a tenured faculty member." Most tenured faculty members are evaluated on an annual basis by their department heads and deans and can be removed from their positions for a variety of reasons (1995). Therefore, I would say that the proposal to end tenure originates from the lack of knowledge about the functions of institutions and the role of tenure within them to serve as a common good. In other words, they don't understand that "tenure is *not* a lifetime job guarantee. Rather, it protects the teachers from being fired at the mere whim of an administrator" (Korsunsky, 2011) for exercising their academic freedom. Also, tenure is a way

of keeping society away from censorship. Loope (1995) explained that “without tenure, we can hardly expect higher education faculty to state their minds on controversial topics or to propose unpopular solutions to scientific or social problems facing the state, nation, and world.” The United States is far from being a censored country, but eliminating tenure will mean a step backward for the nation’s development and a step closer to oppression and stagnation.

Comparing Tenured Faculty and Contract-Based Faculty

Over the last years, various institutional types have reduced the number of faculty with a tenure-track option. Ehrenberg and Zhang (2005) expressed that surprisingly, only a “few studies have addressed whether the increased substitution of part-time and full-time nontenure-track faculty for tenure-track faculty, on balance, has adverse effects on undergraduate students, such as less learning, longer times-to-degree, lower graduation rates, or lower propensities of students to go on to post-graduate study.” Ehrenberg and Zhang (2005) further explained that these issues are essential if public institutions want to make the case that improved funding would permit increased usage of full-time tenured and tenure-track faculty members that would enhance student outcomes. However, it is not difficult to prove this case without that specific data. The analysis of the effects on students and consequences of having faculty with nontenure-track at for-profit colleges demonstrate the primary reason why tenure is essential. Nelson (2010) affirmed that “professors without tenure are nothing more than at-will employees.” I will use the for-profit institutions to demonstrate the effects and consequences 1-semester and non-tenure track contracts have on students because “the integrity of the institution, the development of individual scholarship, the implicit promise made to students that college provides meaningful and legitimate learning experiences-- all of the things that have historically been of value in higher education-- have no place in the world of for-profit colleges (Anonymous, 2011).

For-profit institution administrations use the 1-semester, and nontenure-track contracts which provide no job security or intellectual independence to those hired. As a result, faculty at these for-profit institutions “fear for their jobs and are trying to hold onto them to continue bringing home paychecks,” (Anonymous, 2011) making them vulnerable to the abuse and oppression of these institutions. If they had tenure, they could “be free to question commonplace beliefs, challenge their college administrations, and criticize politicians without fear of reprisal” (Nelson, 2010). In a sense, they would be able to use tenure as a check-and-balance system that would allow them to speak up against the corrupt, exploitive, and abusive administrations and others without the fear of capricious dismissal. Without tenure, faculty members’ academic freedom, which allows them to exercise their intellectual independence, would be nonexistent. Anonymous (2011) stated that “the faculty who try to bring innovative, challenging material to the classroom or maintain appropriate college-level performance standards” are poorly evaluated by the students, and criticized, hounded, harassed, and eventually fired by the administration. In other words, with a tenured position, professors have the leisure to attack sensitive issues and implement their intellectual independence without fear of breach of contract or immediate firing. Unlike the contract base hiring that implies a firm set of rules which must be adhered to, and result in a different form of rigidity which is detrimental to higher education (Preston, 1997). As a consequence, the poor teaching conditions produce poor learning conditions which lead to a significant decline in quality education, affecting students for the rest of their academic careers and beyond. I believe these long term implications are a drawback for individuals, society, the nation, and the world.

Possible Solutions for the Tenure Problem and Conclusion

I don't consider tenure to be an outdated concept from the 1940s that needs to be eliminated and in fact consider it essential to the continuing development of the nation. In the words of the United States Supreme Court, "teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die" (*Sweezy v. New Hampshire*, 1957). But regardless of what I and others believe, "you PROBABLY won't get Tenure" (Berlinerblau, 2016). Berlinerblau (2016) further explained, "ONE OF THREE very bad things is poised to happen to the institution of tenure."

1. Worst-case scenario, it perishes in a quarter-century.
2. A second possibility is that tenure endures exclusively in high-toned places.
3. Yet, the likeliest future for tenure is that everything will stay the same and somehow gradually get worse (2016).

One of Berlinerblau's (2016) three predictions is likely to happen because as previously stated, there are efforts to get rid of the tenure system. Even without those efforts, tenure is slowly being disfavored. In 2010,

"of the approximately 1.4 million full-time professionals reported to be employed at degree-granting institutions (excluding medical schools), 46 percent had faculty status: 21 percent with tenure, 8 percent on tenure track, 10 percent not on tenure track, and 7 percent who were employed by institutions without a tenure system" (Knapp, 2010 p. 3).

The remaining 54 percent were reported to be full-time professionals with no faculty status (2010). Altbach (2016) provided more recent statistics indicating that the proportion of part-time staff rose from 40.9 percent in 1995 to 48.7 percent in 2013. Other statistics he provided indicated that "full-time but non-tenure-track appointees are a new and growing category of the faculty. In 2013, 31.9 percent of all full-time faculty at all colleges and universities held a non-tenure-track position" (p. 87). The statistics demonstrate that there was an increase of faculty

without tenure or on a tenure track. The increase was from 17 percent in 2011 to a 31.9 percent in 2013.

As tenure continues to be under attack, it is important to find ways to preserve it and change the bad reputation it has. If one of the concerns is that tenure makes it nearly impossible to fire “rotten apples” (Phillips, 2014), the bad faculty members, then as Nelson (1997) noted, administrators should not hire undesirable tenured faculty members in the first place. A way to do that is by creating better hiring guidelines and standards to more appropriately select faculty members. Also, institution administrators have to improve the guidelines used for the tenure granting process and the post-tenure evaluations. Faculty members that prove to be effective according to multiple measures that include student feedback, administrators’ evaluations, and test results should be the only ones that are awarded tenure. Once fully tenured, the professor would still be evaluated periodically to ensure the maintenance of high educational standards. Faculty members who do not meet the standards to continue to be tenured should be equipped with training as a way of assisting them to meet the required standards. If the faculty member doesn’t demonstrate any improvement, then he or she should be put on probation or removal proceedings.

Another possible solution is for higher education institutions to completely commit to being advocates of academic freedom. The institutions must tolerate faculty and employees’ range of views on controversial issues because “academic institutions that sought to repress or silence such views simply do not deserve the respect of higher education community” (O’Neil, 2016). To better explain this, I will provide a personal example. When I started working at U of A Little Rock, I forwarded an email to a couple of students regarding a peaceful rally that was going to take place to show support for the immigrant communities. Minutes later, I was

contacted by one of my former professors who also received the email. She told me I could be fired if I wasn't careful with the information, opinions, and points of views I disseminated. I was extremely shocked that an institution that speaks about academic freedom censored employees. If an employee like myself is unable to express his or her point-of-view, then the faculty members directly teaching and interacting with the students have the responsibility to offer a range of views on controversial issues. Tenure is one way to provide that academic freedom and intellectual independence to faculty while simultaneously providing continuity and stability of employment. According to Altbach (2016), "The period of expansion and professorial power during the middle years of the twentieth century will not return (p. 105). The tradeoff between enhanced protection for those who survive the system and hardship for those who fall along the wayside may seem to create an excessive cost or burden (O'Neil, 2016). For that reason, the academic profession needs to represent itself effectively to external constituencies, and if the unions could more effectively assimilate traditional academic norms, then they could potentially represent the professoriate (2016). Altbach (2016) also mentioned that "the current emphasis on teaching is another important trend that may restore the credibility of the profession" (p. 105) that way, it may be possible to keep and increase the number of tenure appointments. The views of tenure as a benefit and as a common good will continue to create controversy within the collegiate community and the contemporary public. Therefore, the quest for better alternatives should continue, and the most securely tenured professors should incur some responsibility to improve the current and admittedly imperfect faculty personnel system as they are the ones who can speak up without fear of reprisal (O'Neal, 2016).

Resources

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