

January 23, 1984

REPORT OF THE FACULTY AFFAIRS COMMITTEE
RELATIVE TO REMOVING THE SIX-YEAR RESTRICTION
ON NON-TENURE TRACK POSITIONS

The Faculty Senate of East Carolina University has charged the Faculty Affairs Committee "to study the possibility of removing the restriction on non-tenure-track positions which limits their length of appointment to six years." Having completed its deliberations, the committee finds the questions of length of service in state-supported, non-tenure-track positions and the propriety of such positions are inseparable.

The committee believes that the practice of appointing full-time faculty to non-tenurable, non-probationary positions, when said positions will continue to be needed beyond six years, represents a breach of principles and traditions that faculty have regarded as accepted guidelines governing academic employment. The 1940 statement of the American Association of University Professors provides that: "After the expiration of a probationary period, teachers ...should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extra-ordinary circumstances because of financial exigencies." In 1976, the AAUP clarified its position by stating, "With the exception of special appointments clearly limited to brief association with the institution, and reappointments of retired faculty ..., all full-time appointments . . . are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure." In 1978, Committee A of the Association again addressed the issue of non-tenure-track faculty appointments and reiterated its 1976 stance. It is the opinion of the Faculty Affairs Committee that the position taken in the 1978 report offers a compelling rationale for prohibiting the general use

of non-tenure-track appointments. The committee urges the careful reading of the 1978 report, a copy of which is appended.*

The Faculty Affairs Committee is convinced that the exceptions specified in the 1976 AAUP report constitute the only justification for the existence of non-tenure-track, full-time faculty appointments. There is little, if any, justification for a non-tenure-track appointment when it is obvious that the position being filled is one that will remain operative for many years. To refuse continued employment to an individual who has served out some prescribed time limit, while at the same time continuing the position and filling it with someone new, clearly violates the principles supporting tenure and calls into question the often-heard claim that the University operates essentially as a meritocracy. This latter statement must not, however, be construed as the committee's endorsement of unlimited term service. On the contrary, it is the committee's conviction that all positions which are in good faith expected to be required for more than six years should be filled by full-time faculty with tenurable, probationary appointments. A non-tenure-track position within an academic unit is acceptable only if the need for the position is expected to exist six or fewer years. A non-tenure-track position, then, must be clearly temporary in nature and for a short time only. It cannot be temporary if the need for the position continues year after year.

*The 1978 Report is appended to the Faculty Senators' and unit heads' copies and is available for review from the senator(s) in each unit or in the Faculty Senate Office, Rawl 140.

In the opinion of the Faculty Affairs Committee, non-tenure-track appointments to positions that are not temporary in nature do not serve the best interest of the faculty or the University community. The committee is convinced that such appointments are harmful to faculty morale and significantly weaken both academic freedom and academic community. Individuals who occupy such positions are accorded almost inevitably second-class faculty status. Their category of employment does not provide them with the security and sense of community essential to discharging their obligations as teachers and scholars. The committee concurs with the AAUP's 1973 statement, On the Imposition of Tenure Quotas, that "the system of tenure does not exist as subordinate to convenience and flexibility. The protection of academic freedom must take precedence over the claimed advantage of increased flexibility." The committee, therefore, accepts the following statements which underscore the meaning and necessity for academic freedom:

The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes . . . The University . . . shall protect faculty . . . in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth . . . To promote and protect the academic freedom of its faculty . . . each constituent institution shall adopt policies and regulations governing academic tenure. (The Code)

In according tenure, the purpose is to protect the academic freedom of faculty members while providing them a reasonable degree of economic security. It is recognized that a tenure policy is a vital aid in attracting and retaining faculty members of the high quality this University seeks . . . (Appendix D, Faculty Manual)

The proposal to eliminate the time limit from non-tenure-track appointments is a sincere attempt to retain highly qualified faculty who apparently will be forced to leave East Carolina University. The proposal seeks to improve the nature of non-tenure-track appointments; to bring faculty who serve in those positions into the academic fold, to offer them greater academic community, and to make them an integral part of the

University family. The question therefore becomes: Can the elimination of the time limit imposed on term employment accomplish these objectives? The Faculty Affairs Committee thinks not for the following reasons: first, to recommend the removal of the time limit on service of full-time faculty in non-tenurable, non-temporary positions concedes the question of the existence and propriety of said appointments and, quite logically, would constitute a de facto endorsement of the policy and its continued practice; second, it seems highly unlikely that the general practice of appointing full-time faculty to non-tenure-track, non-temporary positions--a practice found unacceptable by this committee--could be "improved" by indefinite, unlimited application of this practice; third, a recommendation to allow indefinite term employment for any group of faculty would openly challenge the accepted guideline for full-time faculty of an appropriate probationary period after which time tenure is either conferred or denied; fourth, recruitment and retention of capable, young faculty would be jeopardized.

A proposal to eliminate the time limit from term employment would represent but one more instance of treating symptoms and not the disease. The committee is sensitive to the situation that initiated consideration of this issue. However, the committee is convinced that the advantages which could conceivably accrue to a faculty recommendation calling for unlimited term employment for full-time faculty are far too meager to justify the risk of such a recommendation. The goal of tenure for all full-time faculty has contributed significantly to the great progress made by our colleges and universities over the past half-century; that goal is no less essential today.

In sum, the Faculty Affairs Committee believes it is not in the best interest of full-time faculty to be appointed to state supported, non-tenurable, non-probationary, non-temporary positions. Consequently, the Faculty Affairs Committee recommends that the Faculty Senate formally

1. endorse the position taken by the AAUP in its 1978 statement, a position which was recently sanctioned by the General Faculty Task Force of the Planning Commission of East Carolina University:

All persons appointed to full-time teaching positions at East Carolina University should either be tenured at the time of initial appointment or recipients of tenure upon the successful completion of an appropriate probationary period--save only those who are visitors, temporary replacements, or for whose disciplines the institution in good faith expects to have only a short-term need.

2. And add the following proviso to the foregoing statement:

"Short-term" should mean usually two or three years, but under no circumstances, should exceed six years.

The final statement would then read:

All persons appointed to full-time teaching positions at East Carolina University should either be tenured at the time of initial appointment or recipients of tenure upon the successful completion of an appropriate probationary period--save only those who are visitors, temporary replacements, or for whose disciplines the institution in good faith expects to have only a short-term need. "Short-term" should mean usually two or three years, but under no circumstances should exceed six years.

3. Further, the Faculty Affairs Committee requests that the Administration review all present fixed-term positions and, where appropriate, convert these positions to tenurable, probationary positions.

REFERENCES

1. Statement of Principles of Academic Freedom and Tenure of the Association of American University Professors.
2. 1976 AAUP Recommendations Regulations of the Academic Freedom and Tenure Committee of the AAUP
3. "On Full-Time Non-Tenure-Track Appointments," AAUP Bulletin,

September, 1978. pp. 267-273.