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Changes in Tenure Emerging Nationwide CAA Takes Close Look at Reforms

At first glance, tenure appears to be one of the unshakeable bed rocks of higher education, especially at state universities and land-grant colleges. Tenure is operative at 99 percent of all public four-year colleges and 71 percent of all institutions nationwide, according to Richard Chait, formerly of the Center for Higher Education Governance and Leadership at the University of Maryland at College Park. At public research universities 60 percent of all full-time faculty, about a 108,000 people, are tenured, and 19 percent are on tenure track, says Chait.

But these statistics are only part of the story. Tenure has come under strong attack in recent years from legislators, administrators, and even some faculty who want at least to reform it and in some cases to abolish it outright. These

attacks have forced the higher education community to take another look at what is now an eighty-year-old institution.

At its Summer Meeting in Vail, Colorado in late July, NASULGC's Council on Academic Affairs (CAA) discussed many of the key tenure issues that have come to the fore during a presentation by Chait, now at Harvard University's Graduate Department of Education.

Chait began by suggesting three basic reasons why tenure finds itself under attack. First, he said, "Citi-

zens at large are increasingly puzzled as to why the academy enjoys what seems to them to be an anachronistic privilege."

Arizona State University's Senior Vice President and Provost Milton Glick notes, for example, that the Arizona

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Tenure by the Numbers

- ▶ Percentage of public 4-year colleges where tenure is operative 71%
- ▶ Number of tenured faculty at public research universities 108,000
- ▶ Percentage of faculty under 40 who agree abolition of tenure would improve higher education 30%
- ▶ Percentage increase in number of full-time, non-tenured faculty in the last decade 42%

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Board of Regents became concerned about tenure in large part because of the perception that "we are in an economic time when private industry is reexamining at its work force, when lifetime jobs are no longer common." In fact, the 15 companies that have most reduced their workforces over the last four years have terminated 663,000 workers, many of them white collar workers. Says Derek Hodgson, chair of CAA's Faculty Committee, and provost and vice president for academic affairs at Mississippi State University:

than we ever were before with the commercial sector."

Second, said Chait, many trustees and legislators have come to see tenure as an economic and strategic restraint on an institution's flexibility and ability to adapt to changing financial and other conditions. Some also see it as reducing motivation and accountability while it encourages indifferent performance.

As a third issue, Chait discussed a new and somewhat surprising source of discontent. "We have learned from the research that we have conducted that junior faculty are the harshest critics of tenure systems," he said. "They believe that the process is nothing more than a random exercise, often secretive, often collusive, often punitive, that denies faculty academic freedom, that forces them

to conform to the ideologies and preferences of faculty, that becomes a crap shoot . . ." Survey data by the Carnegie Foundation for the Advancement of Teaching found that 29 percent of all faculty—including 32 percent of all women faculty and 39 percent of all faculty under age 40—responded affirmatively to the statement that the abolition of tenure would, on the whole, improve American higher education.

These factors have led to changes at universities. The most common one is the increased use of non-tenured track, long-term, full-time faculty. There are now about 150,000 such faculty, an increase of 42 percent over the last ten years. Moreover, part-time faculty have increased about 33 percent in the same period, he indicated.

The second most common change, which is being put in place in a growing number of state universities, has been to institute post-tenure review systems. Chait found that most of these reviews were done in three to five-year cycles. Less frequently, they are triggered by a highly negative or unsatisfactory performance review as a result of a less rigorous or at least less comprehensive annual review. However, Chait noted, "Dismissal would occur only in the rarest instances, only after exhaustive review, protracted adjudication, and heroic efforts to rehabilitate a fellow faculty member."

CAA's Hodgson suggests it might be possible to provide faculty with the continuity associated with tenure without guaranteeing jobs forever. It might be possible, he says, to hire faculty on a kind of rolling five-year contract. A professor would be given a five-year contract that would be automatically renewed every year, unless some problems occurred. "Then the dean could let the professor know that the contract is not being renewed," Hodgson says, "giving him or her ample time to straighten out the problem. By the standards of

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business, that would be an extremely generous contract."

The third response, especially at research universities, has been to extend probationary periods. The standard recommended by the American Association of University Professors (AAUP)—seven years with a review in the sixth year—is increasingly being replaced by longer trial periods. Eighteen percent of all research universities allow more than seven years. Eleven of the top 40 business schools allow more than seven years.

Chait also discussed two other traits that are much less likely to be found at research universities. Some colleges are creating incentives such as higher annual salaries, more generous sabbaticals, special stipends, etc. to induce faculty to voluntarily forego tenure. And a few simply do not have a tenure system at all. According to Chait, about 20 percent of all independent four-year colleges no longer have tenure systems. Interestingly enough, Chait's research found that faculty at many of these schools enjoy high job security.

"Institutions that have a non-tenured track have never designed or intended that these systems be used to trigger rigorous dismissal decisions," Chait said. "Yet the critics of tenure believe that a contract system will produce exactly that result."

Chait concluded his presentation by discussing seven ideas for reforming tenure that are "in incubation." The first is to require a mandatory review of any associate professor who is not promoted to full professor within 10 to 12 years. If the review denies promotion, the professor is dismissed. The second idea derives from the contracts of many athletic coaches: make tenure a truly mutual obligation. Tenured faculty would

have to pay a price to be released from their contracts.

The third idea is "tenure by objectives," that is, to make the tenure process much more like the way physicians achieve certification. "When faculty are appointed," Chait says, "they would be instructed as to just what constitutes an acceptable volume of research, satisfactory instruction, acceptable service . . . Tenure would, in fact, come when you've punched the last ticket."

The fourth proposal, presented by Adam Yarmolinsky in a recent issue of *Change Magazine*, is to shift to a competency based locus of tenure. Once again, this would make tenure more like licensing and certification in other fields. The fifth proposal is to tie tenure appointments to financial

measures of the institution. When an institution's economic health worsens, it would be allowed more flexibility on tenure. One such proposal is to allow tenure to be ended when there are operating budget deficits in the college, in the university, or even in a particular department or program within the department.

The sixth proposal Chait discussed is to uncouple academic tenure and academic freedom. Chait argued that this is an especially vulnerable area for the academy. "How can we credibly make the case that tenure is indispensable to free inquiry and free teaching when more than half of those teaching in higher education do not have it?" he asks. To cut the

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tenure-academic freedom link, any faculty member who believes his or her academic freedom has been violated would have the right to request a hearing from a special tribunal or panel. Chait also notes that "junior faculty respond extremely favorably to this proposal."

The last idea is to create a marketplace in which tenure can be traded. As Chait explained, such a market

would allow faculty to sell their tenure back to the institution. "That is to say, faculty would purchase the right to put their tenure back to the institution for a fixed price at a fixed moment in time, largely as a function of their current salary and some actuarial projection of how many more years of employment they have."

Having reviewed an environment in flux, Chait concluded by describing several "wildcards" that he said could "entirely upset the scene." He warned of the danger from state legislatures. Chait notes that two southern state legislatures have already introduced bills eliminating tenure. Chait also

pointed to the real possibility of public referenda on tenure at state institutions. He also noted that technology, especially the advent of proprietary institutions giving degrees through distance learning, could radically change tenure. And he concluded by reviewing the cases of several medical schools that are uncoupling tenure and salaries by arguing that tenure is not an entitlement to certain wages.

Chait's presentation was followed by a vigorous discussion during which CAA members discussed changes in tenure being attempted at their institutions. (See Sidebar). ■