



Tenure: Past, Present and Future

Wednesday, January 24, 2024 | 1:00 p.m. ET

Sponsored by



CUPA-HR Webinar

Presenter



Hans Joerg Tiede

Department of Research and Public Policy
American Association of University Professors
(AAUP)

Agenda

- In this webinar, hear of the **circumstances** that contributed to development of the concept of tenure; recent **developments** in tenure practices, including those related to diversity, equity, inclusion and accommodations related to family care; and **thoughts** on the future of tenure given today's challenges.



Why this Webinar for CUPA-HR?

- A seemingly increasing number of **academic personnel decisions** are made by college and university human resource offices.
- The AAUP has at times been concerned that, when such decisions are taken out of academic affairs and into human resource offices, important distinctions between **faculty** and **non-faculty** employees and between **academic** and **non-academic** settings aren't sufficiently recognized.
- These concerns aren't specific to human resource offices but have also arisen when **individuals with little academic experience** are appointed to college and university administrative posts in academic affairs or as chief executive.

Example: Linfield University

The institution claimed that “the academic-due-process provisions of the faculty handbook did not apply to Professor Pollack-Pelzner’s case because, ... Professor Pollack-Pelzner ‘had been **fired** from the university **under his status as an employee, not as a tenured professor.**’ The notion that, when convenient, an administration can choose to apply the provisions of the **employee handbook** rather than those of the **faculty handbook** when seeking to dismiss a tenured faculty member is **inimical to principles of academic freedom and tenure** because it allows an administration to dismiss a faculty member without affordance of the academic due process that defines tenure and protects academic freedom.”

Sexual Harassment: Suggested Policy and Procedures for Handling Complaints

- “The academic setting is distinct from the workplace in that **wide latitude** is required for professional judgment in determining the appropriate content and presentation of **academic material.**”

About the AAUP

- The AAUP is a membership organization of faculty that works to **protect academic freedom**.
- A central activity is to produce **model policies** concerning academic freedom and tenure.
- These model policies have to be **adopted directly by institutions**—they do not have the status of law.

AAUP

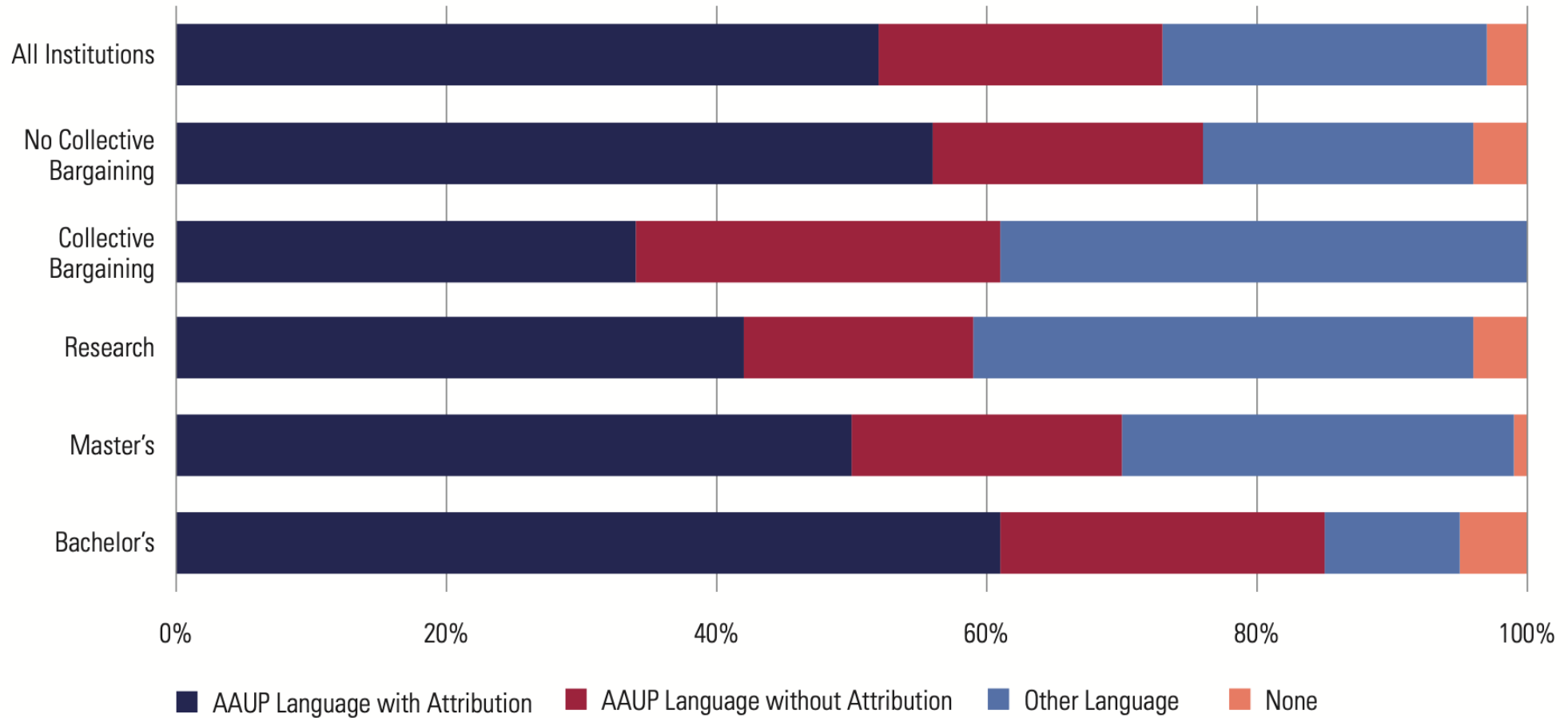
American Association of University Professors

Policy Documents
and Reports Eleventh Edition

FIGURE 3

The 1940 *Statement* is the Primary Source of Academic Freedom Language

Provenance of Academic Freedom Statements, by Institution Type



What is Tenure and What Is It For?

- A tenured appointment is an **indefinite appointment** that can only be terminated for **cause** or under **extraordinary circumstances**, such as because of a financial exigency.
- 1940 *Statement*: “Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.”

Academic Freedom

“Academic freedom is the freedom to **teach**, both in and outside the classroom, to **conduct research** and to **publish** the results of those investigations, and to **address** any matter of institutional policy or action whether or not as a member of an agency of institutional governance. Professors should also have the freedom to **address the larger community** with regard to any matter of social, political, economic, or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence.”

Shall Professors Have Free Speech?

Or Are They to Mirror the Views of University Trustees?

This is the Issue Over Which the Biggest Battle for Academic Freedom This Country Has Seen, Is Being Staged at the University of Pennsylvania.

By ISAAC RUSSELL.

BECAUSE Scott Nearing, one of the youngest and at the same time one of the most widely known figures in our university world, had the gift for teaching so that the man in the street would stop to catch his message and the car conductor's wife in her home would listen and understand, because whatever he had to say was "copy" to newspaper reporters, who constantly attended him, Nearing has suddenly become the storm centre of the biggest fight for academic freedom yet launched in an American university.

The storm at this time is sweeping over the campus of the University of Pennsylvania.

On one side is Nearing, a brilliant young author, publicist and popular lecturer as well as a teacher, and a supporting group of Pennsylvania faculty members, alumni and students. All of these are rated as "liberal tendencies" in their views. And Nearing, their leader, has, through a magnetic personality, captured the imagination of large groups of students and of people in and out of college in all parts of America. In one of his classes alone over 500 pupils attended his daily lectures—a record unapproached in any other University of Pennsylvania classroom.

On the other side—opposing Nearing and his allies—are the university trustees. The trustees are twenty-four in number. Their average age is sixty years, and they elected themselves to their positions by a self-perpetuating process commonly in vogue in all privately endowed universities in America. The trustees were drawn from the heart of Philadelphia's conservative and business life.

That is the whole of the matter as the trustees see it. They voted, as they had the full power and right to do, to cancel Nearing's

The greatest force the teachers see on the horizon that they may bend to their purposes is the force of public opinion. They are going out to attract its interest and notice in every way possible. One eminent leader of public opinion, Rabbi Stephen Wise, said last week that the University of Pennsylvania crisis interested him and challenged his attention more vividly than any other issue in America at this time. The hope of the Pennsylvania faculty members who are taking up Nearing's fight is that the view of Dr. Wise will be the view of all the people, from the most humble to the most widely known.

The decision to fight out the Nearing case was not, of course, made as a mere impulse following the receipt by Nearing, on June 17, of a letter of dismissal. They had seen the storm gathering about the issue of the freedom of the professor to teach the truth as he saw it for over a twenty-year period. They had seen the issue project its head in many a college and university, but never before had it centred about a man who had a hold on the public as well as upon the professional teachers—who was as well known in the homes of the humble workers who might telegraph their indignation to the trustees as in his class room.

It was Nearing's inveterate habit of carrying his teachings into lectures before working men's assemblies, before women's clubs, into popular magazine articles and into books for the laity that gave him a strategic value to those who want to fight the issue out on its broadest possible terms.

Nearing's faculty associates were quick to note that in all the other cases where the issue of academic freedom has been launched there has been on the one side a self-perpetuating board of trustees, often composed of the oldest and most conservative business men and financiers of the community, and on the other



Professor Scott Nearing dismissed from the University of Pennsylvania without stated cause, and the centre of the Teachers-Trustee Fight.

Scott Nearing is the Storm Centre in the Fight Which Takes in Conditions at Western Universities Where Teachers Charge Free Speech Repression. . .

And to attract this notice so that the man in the street will translate his interest into affirmative action, and will send a telegram of protest to the Governor, to the trustees and to the university provost.

In private conversations Nearing's backers freely admit that without a strong supporting wave of public opinion their cause is for the time being lost. They want to fight "The Battle of Pennsylvania" in a way to make it a Waterloo for one of the two conflicting views of the responsibility of the professor for his teachings that are involved.

They want to see either the principle triumph through popular support of it, that the faculty member must teach the truth as he sees it, responsible only to his own conscience or the laws of libel, or else to see the people accept the principle that the trustees have proper guardianship over the teacher's views and may censor them to make them conform to certain social standards.

The backers of Nearing have already made many moves to conform to their plan of campaign—to attract a sea of controversy to the university campus—to float the trustees out into the midst of this sea, surrounded by studded banks of question marks. Again and again they want to see the man in the street bump the question against the trustees' bulwarks: "Why did you uproot Scott Nearing from his place?"

As a first move toward attracting widespread popular support the faculty men took pains to point out to the public that the trustees did not dismiss Nearing because he was immoral, because he was delinquent or because he was unpopular or inefficient. They gave him the broadest possible certificate of good character and first class moral worth to the university.

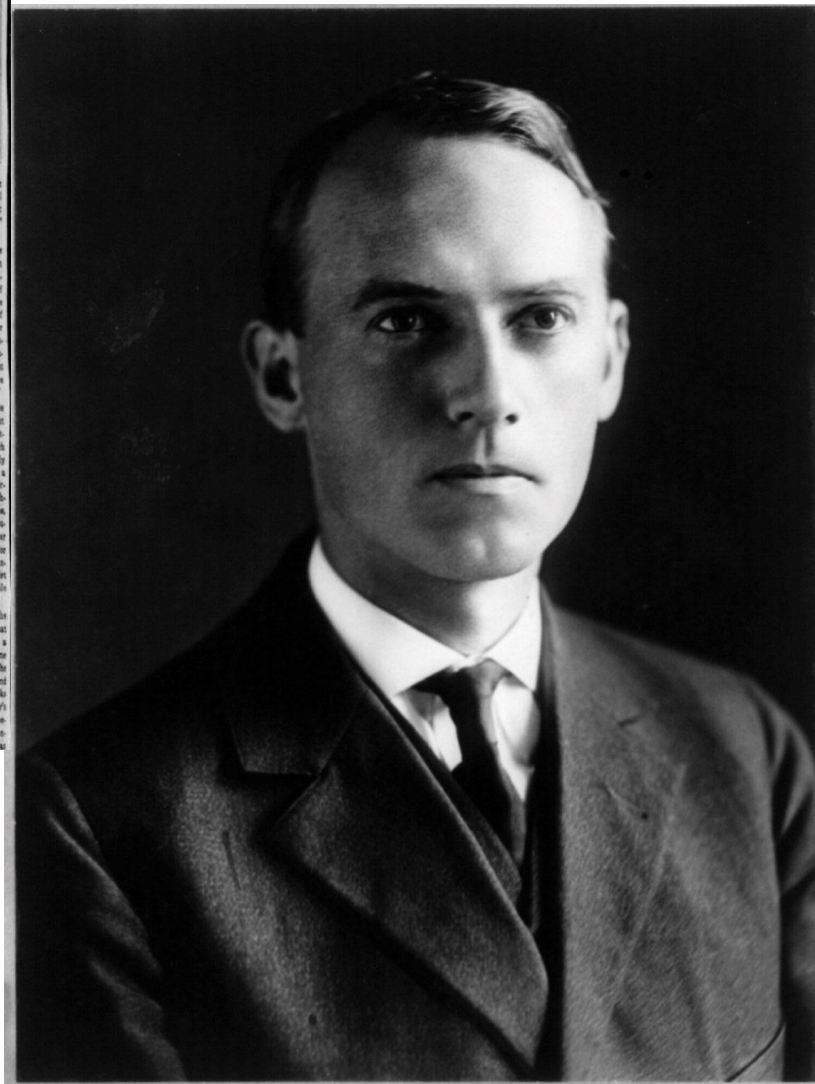
The faculty members pointed out that during the eight years Nearing had been a mem-

bered that Nearing's dismissal was made in bad faith and was purposely held back until the last day of the year in the knowledge that "what had occurred before would occur again" at the mere mention of such a proceeding.

The public heard some of the long range size guns of the board of strategy in action when Dr. Samuel McCune Lindsay, of Columbia University, spoke up in ardent praise of Nearing as the best student in the seat to the last class he taught at the University of Pennsylvania; and again when Professor Seligson, of Columbia, chairman of the committee on academic freedom of the Association of University Professors, announced that his committee proposed to investigate, "if the difficulty was not adjusted in a short time."

And a big element that will figure in the future progress of the situation was brought to the public's notice in statements insinuating that the "subsidy" system, under which the University of Pennsylvania, a privately endowed institution, received \$1,000,000 a year, was really a system of political corruption devised by corruptionists to strengthen the hold of the Penrose political machine. It was pointed out that all kinds of institutions, and some that were of no particular kind whatever, were "down on the list" for an annual subsidy; that the fund was administered by machine politicians; that the list had twice been made the subject of hostile and suspicious inquiry.

Assertions were boldly launched by the faculty members that the first suggestion that Nearing ought to be dismissed came from a newspaper published at Bristol, the home town of Joseph R. Grundy, president of the Pennsylvania Manufacturers' Association, and the most prominent political leader of Bucks County. They pointed out that "Grundy's newspaper" became enraged at Nearing because he was formerly secretary of the Pennsylvania Child Labor Commission, and was



Scott Nearing, University of Pennsylvania, 1915.

How is Tenure Acquired and How is Tenure Lost?

- “**After the expiration of a probationary period**, teachers or investigators should have permanent or continuous tenure...”
- “**Termination for cause of a continuous appointment**, or the dismissal for cause of a teacher previous to the expiration of a term appointment, **should**, if possible, **be considered by both a faculty committee and the governing board of the institution.** In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case.”

A New Deal for Tenure

- The conception of tenure advanced by the 1940 *Statement of Principles on Academic Freedom and Tenure* was a response to the **academic labor market of the Great Depression**, which featured a **large percentage of faculty members in positions ineligible for tenure with little prospect for advancement**.
- The central feature of the 1940 *Statement's* conception of tenure is the **separation of tenure from rank** and the **automatic acquisition of tenure** after the expiration of the probationary period.
- The tenure system has developed over the last eighty years in a way that has **recreated the status quo ante**: once again a large number of full-time faculty members, now on “non-tenure-track appointments,” serve indefinitely without the protections of tenure, which is precisely the situation that the 1940 *Statement* sought to end.
- Moreover, tenure has become **identified with research**, which has proven **detrimental** for the justification of tenure as fundamental to the protection of academic freedom.

Tenure and Teaching-Intensive Appointments (2010)

“Tenure was not designed as a merit badge for research-intensive faculty ... **Tenure was conceived as a right rather than a privilege.** As the 1940 *Statement of Principles* observed, the intellectual and economic securities of the tenure system must be the bedrock of any effort by higher education to fulfill its obligations to students and society.”

Tenure Today

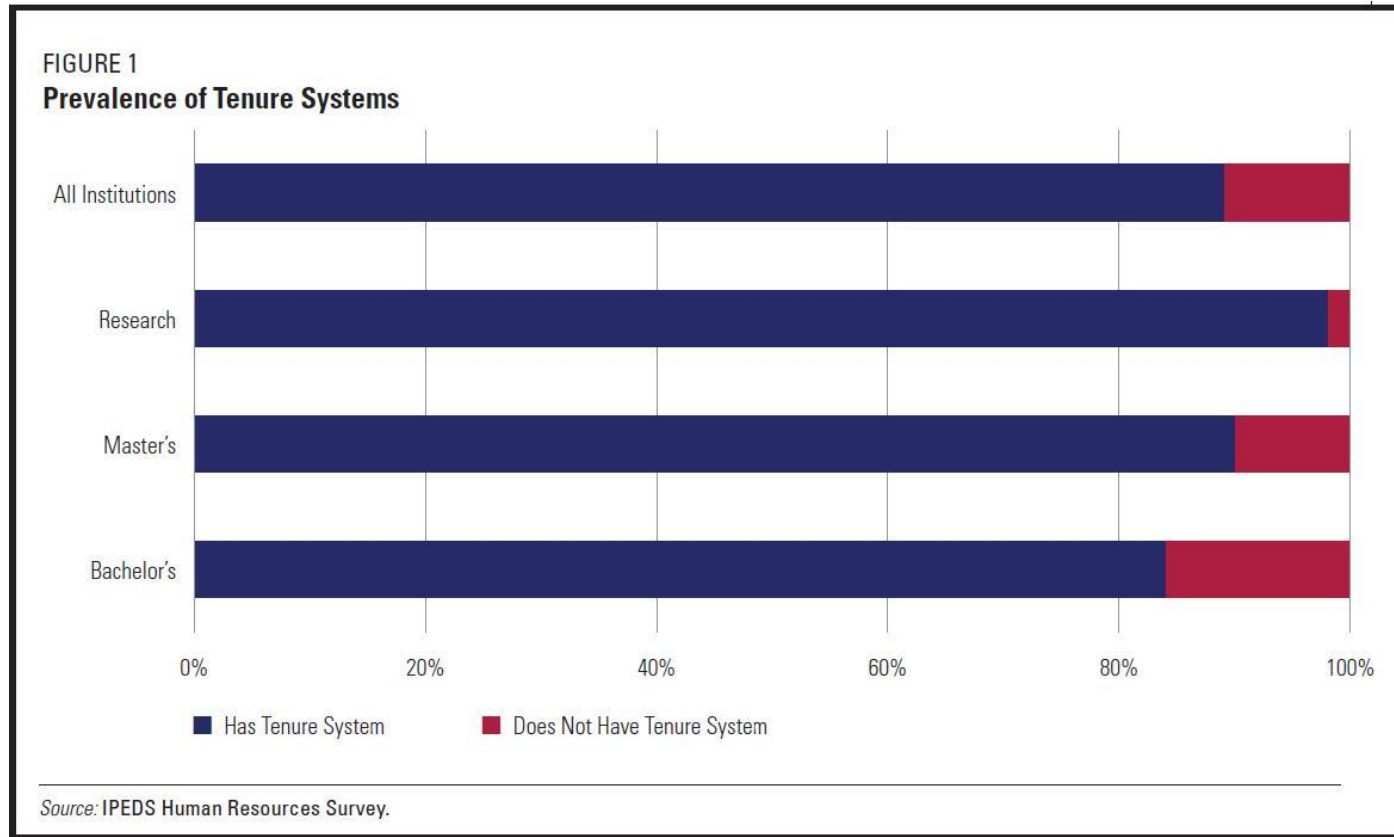
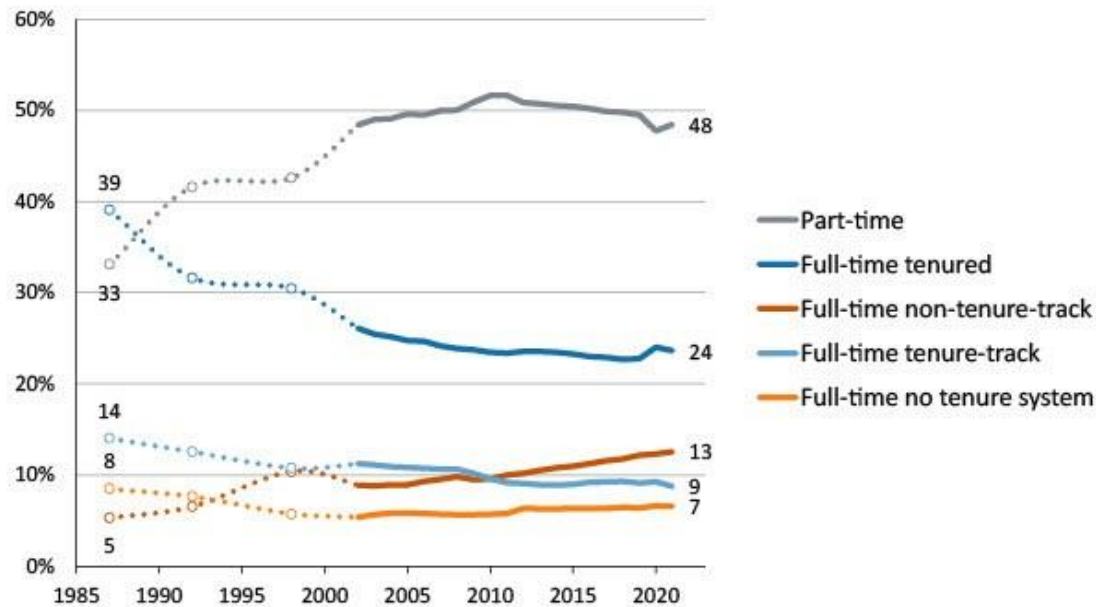


FIGURE 1

The US academic workforce has shifted from mostly full-time tenured or tenure-track faculty to mostly contingent faculty.

Percentage of total number of faculty, by appointment type, fall 1987 through fall 2021



Note: Figures represent nonmedical instructional staff (instruction/research/public service or primarily instruction), with or without formal faculty status, in degree-granting nonprofit institutions participating in Title IV federal financial aid programs in the United States (fifty states and the District of Columbia). Percentages may not sum to 100 percent because of rounding.

Source: Data for dashed lines (1987 through 1998) are estimates from the National Study of Postsecondary Faculty (NSOPF) series, which were nationally representative samples with margins of sampling error; data for solid lines (2002 through 2021) are from the IPEDS Human Resources survey component (Employees by Assigned Position), which is a census survey required for all institutions participating in Title IV programs, including the 2021–22 provisional release. Data retrieved and compiled by the AAUP Research Department on December 23, 2022.



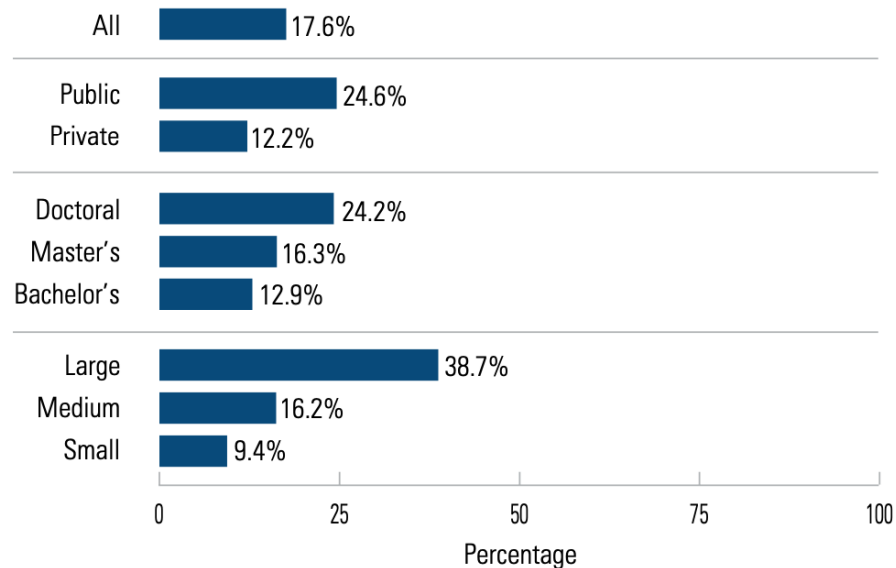
Tenure and Contingency

The 2022 AAUP Tenure Survey

- A **national survey** of chief academic officers at a random sample of four-year institutions with a tenure system.
- The first national survey of tenure practices in **eighteen years**.

Tenure as a Merit Badge for Research-Intensive Faculty

FIGURE 3
Institutions that reported having made tenure standards more stringent in the last five years



Source: 2022 AAUP Tenure Survey.

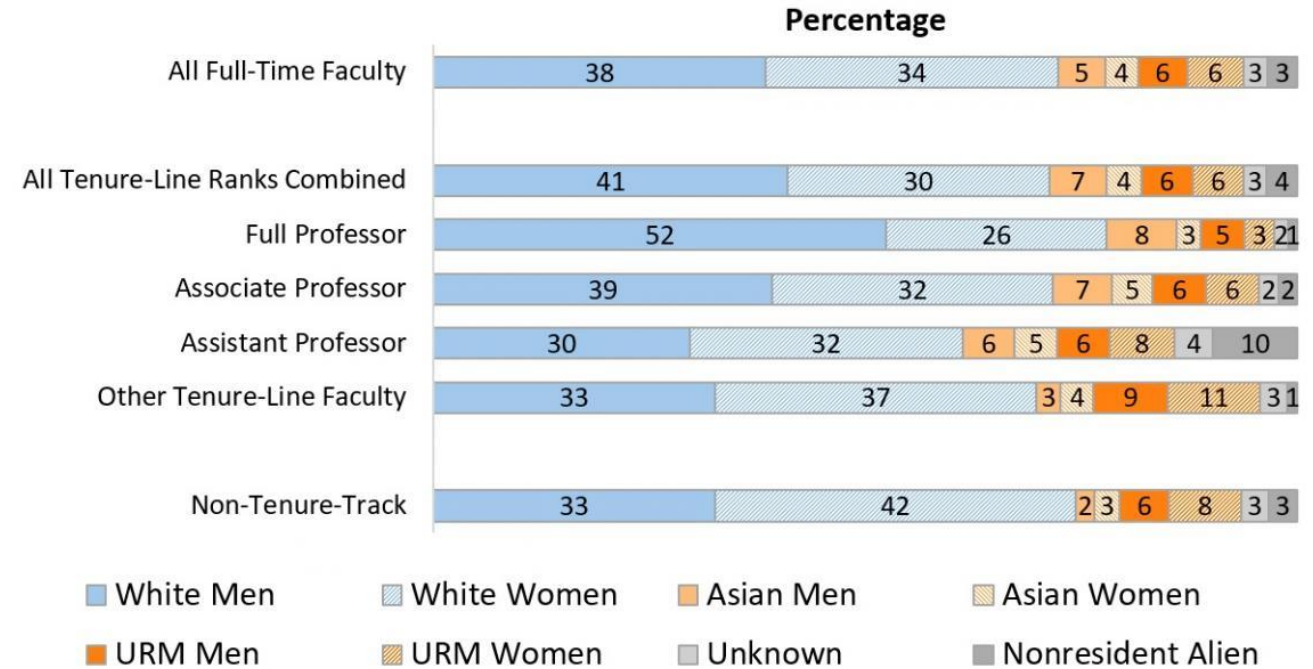
Note: Findings are from four-year institutions with a tenure system.

- Among institutions that made standards more stringent:
 - 78.9 percent reported that this occurred with respect to **research standards**,
 - 41.1 percent about **teaching standards**,
 - 24.2 percent about **service standards**,
 - 14.0 percent about **other standards** (e.g., community engagement, student success, collegial relations with administration, and mentoring and advising).

Diversity, Equity, Inclusion (DEI) and Tenure

FIGURE 9

Representation of women among full-time faculty members generally decreases with progression in rank across race and ethnicity categories.



Note: This figure represents non-profit, degree-granting postsecondary institutions only ($N = 2,774$). The term *underrepresented minority* (URM) is used here in accordance with prior research and encompasses the IPEDS categories of Black, Hispanic, Pacific Islander, American Indian/Alaska Native, and Two or More Races. The rank “Other Tenure-Line Faculty” includes some tenure-line faculty with the titles “Lecturer” or “Instructor,” although most faculty members with these titles are non-tenure-track.

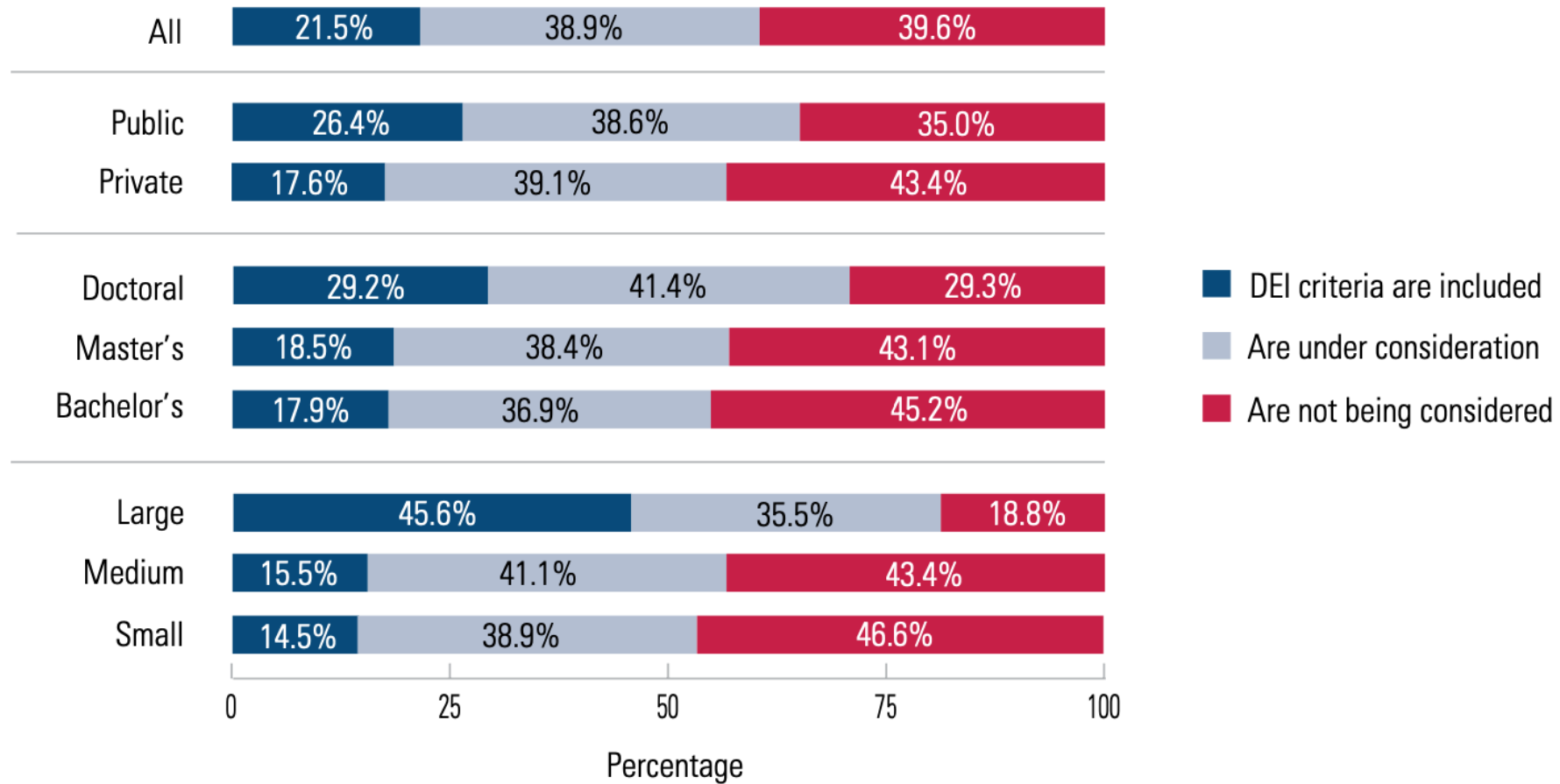
Source: IPEDS HR survey component, 2018–19 provisional release. Data compiled by the AAUP Research Department.

DEI and Tenure Practices

The survey focused on three policy responses regarding **tenure and DEI**:

- whether standards for tenure include **DEI criteria**,
- whether existing standards for tenure had been **reviewed with respect to potential implicit bias during the past five years**,
- and whether faculty serving on promotion and tenure committees had been **trained regarding implicit bias during the past five years**.

FIGURE 4
Institutions including DEI criteria in tenure standards



Source: 2022 AAUP Tenure Survey.
Note: Findings are from four-year institutions with a tenure system.

The Future of Tenure

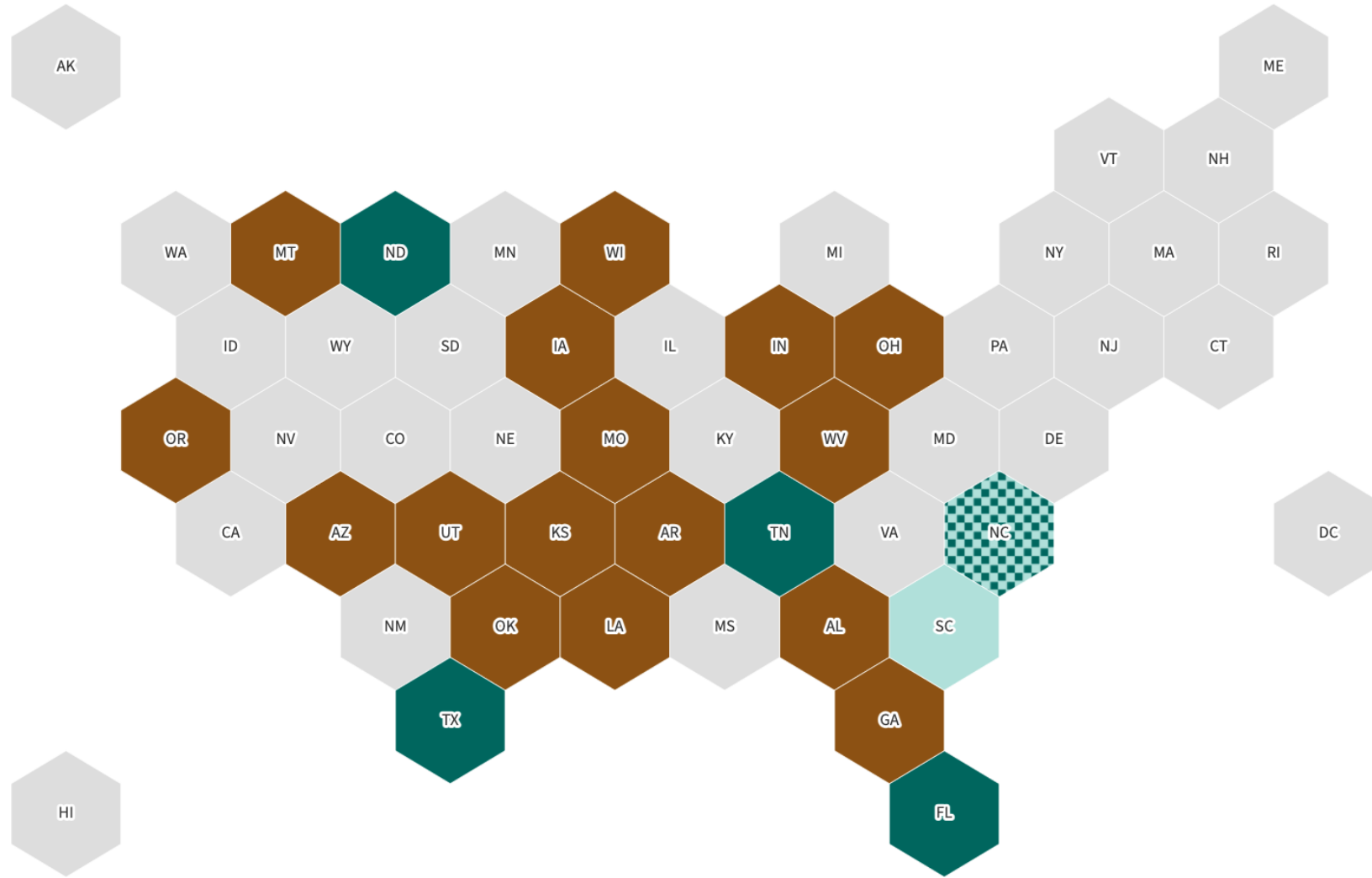
“The best practice for institutions of all types is to **convert the status of contingent appointments to appointments eligible for tenure** with only minor changes in job description.”

“The proliferation of contingent appointments will continue if institutions convert select appointments to the tenure track while continuing to hire off the tenure track elsewhere. **We urge that conversion plans include discontinuance of any new off-track hiring, except where such hires are genuinely for special appointments of brief duration.**”

Where Anti-DEI Legislation Has Been Proposed

A pattern indicates active bills in different statuses.

■ No bill ■ Introduced ■ Final legislative approval ■ Signed into law ■ Tabled, failed to pass, or vetoed



A Flourish map

The Future of Tenure

Source: Chronicle of Higher Education

Have a Question?



Submit questions to our presenters
using the Chat.



Thank You

Please complete your event evaluation

Sponsored by

PageUp 