Tenure: Past, Present and Future

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(AAUP)
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.
FIGURE 3
The 1940 Statement is the Primary Source of Academic Freedom Language
Provenance of Academic Freedom Statements, by Institution Type

- All Institutions
- No Collective Bargaining
- Collective Bargaining
- Research
- Master’s
- Bachelor’s

Legend:
- AAUP Language with Attribution
- AAUP Language without Attribution
- Other Language
- None
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 KELLER

But the faculty has been one of the most thoroughly organized in the nation and has been the center of a movement for academic freedom. The chief of the movement has been Scott Nearing, who has done more than any other man to promote this movement. He is the one who has been the leader of the movement.

Scott Nearing is the storm center in the fight which takes in conditions at Western Universities Where Teachers Charge Free Speech Repression.

Scott Nearing has shown that the faculty has a right to express its views and that this right is being denied to it. He has shown that the faculty has a right to express its views and that this right is being denied to it.

And to attend this vision is that the many in the mass, with the mass, in the mass, with the mass, in the mass

Professor Scott Nearing dismissed from the University of Pennsylvania without stated causes and the centre of the Teachers-Trustees Fight.

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 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
Prevalence of Tenure Systems

All Institutions
Research
Master’s
Bachelor’s

Source: IPEDS Human Resources Survey.
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.
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

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).

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Full-Time Faculty</td>
<td>38%</td>
</tr>
<tr>
<td>All Tenure-Line Ranks Combined</td>
<td>41%</td>
</tr>
<tr>
<td>Full Professor</td>
<td>52%</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>39%</td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>30%</td>
</tr>
<tr>
<td>Other Tenure-Line Faculty</td>
<td>33%</td>
</tr>
<tr>
<td>Non-Tenure-Track</td>
<td>33%</td>
</tr>
</tbody>
</table>

- **White Men**
- **White Women**
- **Asian Men**
- **Asian Women**
- **URM Men**
- **URM Women**
- **Unknown**
- **Nonresident Alien**

*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.*
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

<table>
<thead>
<tr>
<th>Category</th>
<th>DEI criteria are included</th>
<th>Are under consideration</th>
<th>Are not being considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>21.5%</td>
<td>38.9%</td>
<td>39.6%</td>
</tr>
<tr>
<td>Public</td>
<td>26.4%</td>
<td>38.6%</td>
<td>35.0%</td>
</tr>
<tr>
<td>Private</td>
<td>17.6%</td>
<td>39.1%</td>
<td>43.4%</td>
</tr>
<tr>
<td>Doctoral</td>
<td>29.2%</td>
<td>41.4%</td>
<td>29.3%</td>
</tr>
<tr>
<td>Master’s</td>
<td>18.5%</td>
<td>38.4%</td>
<td>43.1%</td>
</tr>
<tr>
<td>Bachelor’s</td>
<td>17.9%</td>
<td>36.9%</td>
<td>45.2%</td>
</tr>
<tr>
<td>Large</td>
<td>45.6%</td>
<td>35.5%</td>
<td>18.8%</td>
</tr>
<tr>
<td>Medium</td>
<td>15.5%</td>
<td>41.1%</td>
<td>43.4%</td>
</tr>
<tr>
<td>Small</td>
<td>14.5%</td>
<td>38.9%</td>
<td>46.6%</td>
</tr>
</tbody>
</table>

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

Source: Chronicle of Higher Education
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