INTRODUCTION
The other day I was reading the local newspaper—the *Pasa-
dena Star News*—and came across an article by Thomas Sowell, a senior fellow at the Hoover Institution at Stanford. I was attracted to his article entitled “Safe to Say I’ll Never Be a College President—and Why.” Let me quote a bit for you.

“Tenure turns ordinary professors into little tin gods who do their own thing, instead of doing what they are paid to do. Many turn their classrooms into propaganda centers for their pet ideologies, instead of teaching the subject listed in the catalog. In what other system of governance—whether in churches or in corporations, in Washington or the state capi-
tols—can people keep on making disastrous decisions without being subject to being removed from their jobs? Even presidents can be impeached and kings forced to abdicate, but tenured profes-
sors can vote for all the nonsense they want without the slightest danger to their jobs. It is a formula that virtually guarantees irresponsible self-indulgence.”

Obviously, our colleague Mr. Sowell, like many others at the current time, really has no understanding of the process he criticizes so maliciously. I beg your indulgence as I digress for a few minutes to review a bit of the history of tenure in the United States. Before I do that however, I’d like to thank you very much for inviting me to be here today. I enjoyed doing the research for my presentation to you. I’d like to acknowledge Dr. Ernst Benjamin, the former General Sec-
retary of the AAUP and the current Associate General Secretary for much of the following historical review of tenure.

The universities of the Middle Ages were basically institutions of great intellectual conformity, a conformity usually enforced from within. The overall acceptance of a core of religious doctrine very much restricted the notion of free inquiry, and the perceived role of the university and its faculty did not require or allow for the intellectual freedom of members of the university community. The university at that time was most likely to be a center of orthodoxy with a key role in imposing particular views on other members of society.

The early American college was concerned largely with preserving current knowledge and promoting morality. A growing body of American educators became attracted by the German university where faculty members began to think of themselves as responsible for the development of
new ideas in science and society. Finally, in 1915, the organized academic profession issued a Declaration on Academic Freedom and Tenure. This declaration is richly textured and I recommend it to you as a ‘good read’. The thrust of the claim that was made is as follows:

It (the University) should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until, finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world. Not less is it a distinctive duty of the university to be the conservator of all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment....

... One of its most characteristic functions in a democratic society is to help make public opinion more self-critical and more circumspect, to check the more hasty and unconsidered impulses of popular feeling, to train the democracy to the habit of looking before and after. It is precisely this function of the university which is most injured by any restriction upon academic freedom.

Toward that end, the profession demanded tenure—which would assure the right not to be dismissed save upon proof of adequate cause demonstrated in a hearing before one’s academic peers. Those demands were not readily accepted. The Association of American Colleges issued a Report in 1917 that rejected the robust demand for academic freedom and found the idea of tenure close to intolerable: Trustees “must do the best they can, giving a sense of security to teachers,” but

There are certain...cases which almost every institution has now and then to manage... ‘vexels’ or mischief-makers can break the continuity of an institution and set back for years its best interests. The very fact that ‘vexels’ know that some excellent men in responsible positions sometimes advise that at any cost colleges get on with so-called impossible persons, is a distinct encouragement never given in a well-organized corporation to mischief-makers to retard administration processes.

I believe that we still hear this same argument today on occasion.

By about 1940 tenure had come to be generally supported. Not long after, in the 50’s, academic freedom and tenure were sorely tested. They were tested again in the 60’s probably due, in part, to the dissent over the Vietnam War. In the 70’s both needed to be and were reaffirmed again. The probably due, in part, to the dissent over the Vietnam War. Tenure were sorely tested. They were tested again in the 60’s

report. Not long after, in the 50’s, academic freedom and found the idea of tenure close to intolerable: Trustees “must do the best they can, giving a sense of security to teachers,” but

perversions of the humanities, the social sciences, and the curriculum, reserving special disdain for women’s studies.

The other recent polemic, Tenured Radicals: How Politics Has Corrupted Our Higher Education (1990), by Roger Kimball concentrates on the invasion of academic letters by women’s studies, black studies, gay studies, deconstruction, poststructuralism, and so on. The point for our purposes here is that both authors accept that their enemies are immovable. Tenure does protect academic freedom, even when that freedom is accused of being put to bad purposes.

Despite the rich texture of experience, analysis and argument, on March 21, 1995, the American Association for Higher Education announced yet another project to study tenure, including a study of “options to traditional tenure” conducted by Richard Chait, the co-author of an earlier attempt to ‘slay the dragon’ of tenure(1). Consequently, the time is ripe to again compile the wisdom that has accumulated since the demand for academic tenure was first made 80 years ago. This compilation is as much for the academic audience as for the non-academic audience. Both could profit from a better understanding of what tenure means. The AAUP recently established a National Task Force on Tenure. The charge of the Task Force is to collect information, prepare an analysis, and issue a report for both audiences. There will be a plenary session at the National Meeting of the AAUP in June which will be dedicated to a discussion of tenure and academic freedom. I hope that some of you will be there.

STATUS OF TENURE

I want to discuss with you the status of tenure at our nation’s colleges and universities, share with you any current challenges to or proposed modifications of tenure policies in the United States, and provide examples of post-tenure review policies and procedures at selected institutions.

Tenure is alive but not very well in many states at the present time. I would like to give you a brief survey of some of the activity, mostly involving public institutions, in the last couple of years:

Arizona. In November of 1994, the Board of Regents considered eliminating tenure in a new university which was in the planning stage in Pima County. At the end of September, 1995, the Board of Regents moved the responsibility for establishing a commission to study tenure to its central office and away from faculty to avoid bias. The subject of the commission was not only to discuss tenure and possible modifications to the tenure system, but also to explore whether tenure is appropriate at all in the 21st century.

Arkansas. In November, 1994 a Joint Interim Committee on the Judiciary held hearings on the laws of tenure in the state. Strong testimony in favor of tenure from administrators and faculty and good behind the scenes lobbying by AAUP resulted in no legislation being proposed. In 1992, a system of “Post tenure Review” was instituted as a political decision relating to President Clinton’s candidacy.

Florida. In November, 1994, the Board of Regents authorized a tenure ‘experiment’ at Florida Gulf Coast University which is set to open in Fall, 1997. Faculty will be given the
option of tenure or multi-year contracts, with starting salaries of new faculty different depending on the option they choose. Reports suggest that those persons who are hired on a contract basis would receive up to a 30 percent more salary than new faculty who choose the tenure track option.

Maryland. February, 1996—A new policy is being established which would separate promotion from tenure in the medical school in Baltimore. Tenure track positions would no longer be offered to individuals who are hired there, with the caveat that everyone in an academic appointment would be eligible for tenure. It is not clear how one could define just what this means.

Minnesota. In the Spring, 1995, the Board of Regents met and asked that a discussion of tenure be initiated. The proposal which is currently being considered is to shift the locus of tenure to the Department (from the University) allowing the cutting of non-productive units and the elimination of the tenured members of the faculty housed there.

New Mexico. In February, 1995 a bill was submitted to the legislature which, if passed, would abolish tenure in all state post-secondary institutions. So far it has not been passed.

Oklahoma. In July, 1995, a member of the Governor’s Commission of Government Performance recommended the abolition of tenure. The governor has not yet taken a position.

Pennsylvania. In June, 1995 a select committee headed by John Lawless was created. Lawless was charged with the responsibility to ‘review issues related to the Commonwealth institutions of higher education’. Lawless has announced that he is going after the tenure system with the goal of eradicating it from all institutions of higher education in Pennsylvania.

South Carolina. In March, 1995 a bill to eliminate tenure within two years was introduced to the legislature. The Board of Regents is strongly backing this legislation and proposes to impose a system of post-tenure evaluation.

Tennessee. In October 1995 the legislature began its consideration of three specific bills or resolutions that potentially affect tenure—none of which has yet passed.

Much of the activity cited, in my view, results from a general dissatisfaction with the cost-effectiveness of the instruction our students are receiving. There seems to be a perception that we are becoming superfluous as increasingly user-friendly technology and mediated instruction are becoming widely available. Words like accountability, faculty productivity, and efficiency are frequently heard whenever there is discussion about higher education.

Not surprisingly, many blame tenure as the sole obstacle to both accountability and greater efficiency, and see it as “a professional masquerade...” which enables “selfish claims of a right to lifetime employment for the incompetent and irresponsible”. Clearly, if there ever was a time when a formative evaluation of tenured faculty was appropriate, it is now. I believe that there is a serious faculty morale problem at present, in part due to the many attacks on our institutions, our professions and on us: it is a morale boost to be reaffirmed by one’s peers periodically. Such evaluations might dilute somewhat the perceptions of the public that tenure is ‘lifetime employment for the incompetent and irresponsible’.

The AAUP position on the periodic evaluation of tenured faculty was adopted by its National Council in 1983, and stipulates that “no procedure for evaluation of faculty should be used to weaken or undermine the principles of academic freedom and tenure. The Association cautions particularly against allowing any general system of evaluation to be used as grounds for dismissal or other disciplinary sanctions.” Further “the Association believes that periodic formal institutional evaluation of each postprobationary faculty member would bring scant benefit, would incur unacceptable costs, not only in money and time but also in a dampening of creativity and collegial relationships, and would threaten academic freedom.” Procedures which would be permissible considering the AAUP position are called formative meaning that the process is not a part of a disciplinary action which may result in sanctions or dismissal of tenured faculty.

Formative evaluations can be used to evaluate the contributions of a faculty member in all categories of that faculty member’s professional activities—such an evaluation might include teaching and other instructional activities, research/scholarship/grants activity, service to the discipline, department, school or college, to the university or the community, and any other criteria which the faculty establish as appropriate. The purpose of a formative evaluation is best defined as peer review which may end in a reaffirmation of the faculty member’s contributions and value to the institution. If there are weaknesses noted, there should be resources available to assist the individual to improve. Such evaluations may be our best defense against the offensive and malicious perceptions of persons like Mr. Sowell.

Colleges and universities across the nation are currently struggling with how to evaluate instruction and scholarship; hopefully, this collective analysis will come up with strategies which will be helpful to us all. As faculty we all seem to understand how to evaluate and reward traditional research and scholarship, and what is viewed as appropriate service to the department, school, university, community and to our professions, but we have done very poorly in addressing seriously how to evaluate and reward excellence in teaching. Many of our new, tenure-track faculty complain that we give ‘lip service’ to instructional performance in our reward system, but in fact, reward research/publication and acquisition of extramural funding in our tenure and promotion decisions, and in decisions related to merit pay.

I believe that we do an alright job with our new faculty. We could do better, although for this group of faculty there is much work left for us to define better their responsibilities and reward structure since the requirements for them to achieve tenure and promotion continue to increase without bounds. However, new tenure-track faculty account for less than 10 percent of all of the tenured and tenure-track faculty in the professoriate nationwide. More and more pressure is being brought to bear on how we are handling the evaluation of tenured faculty.

Approximately 20 percent of the 250 institutions surveyed by the American Association for Higher Education in 1994 had policies relating to the evaluation of tenured faculty. I have no data, but suspect that this is a bit high for institutions nationwide, if one considers a strategy of thorough faculty evaluation on a multi-year cycle beginning after the award of tenure. The percentage is probably much higher if one includes the annual review of faculty related to...
the need for decision-making about salary increases.

Most of the policies and procedures currently in place were developed after the retirement age was uncapped. At the time, there was the fear that faculty would be carried out of their institutions feet first, long past the time they had been debilitated by Alzheimer’s and no longer retained any functioning nerve cells. In keeping with the AAUP’s 1983 Statement most of the procedures are formative, most at least intend to provide associated funds for professional development, but with the current economic situation, many do not, and nearly all are somewhat labor intensive for involved faculty, faculty peers and administrative officers. I suspect that the AAUP policy on this issue will be reexamined in the near future by the Tenure Task Force. As you initiate your analysis of the evaluation of tenured faculty, I would recommend a report authored by Christine M. Licata, entitled “Post-Tenure Faculty Evaluation: Threat or Opportunity?” which was published in 1986 by the Association for the Study of Higher Education.

Several systems do have policies related to the evaluation of tenured faculty. For example, in the California State University System, evaluation of tenured faculty has been a part of the personnel policies for quite some time. In our procedures, tenured faculty are subject to performance evaluations at five year intervals. These evaluations are conducted by a peer review committee which is elected by tenured faculty in the department. The faculty member being evaluated provides the elected committee with documentation of professional activities accomplished during the period of the review. The material submitted for review may include new course proposals, syllabi from courses taught, letters from students, examples of written examinations, handouts distributed in classes, publications, etc.

The committee then reviews not only the material submitted by the faculty member, but also reviews student opinion data which are housed in the official personnel action file in the office of the Dean. The committee will provide a copy of its written report to the faculty member, and then the peer review committee chair and the Dean meet with the faculty member to discuss strengths and weaknesses along with suggestions, if any, for improvement. A copy of the committee’s and the administrator’s summary reports of the review are placed in the official personnel action file.

As with other institutions, our System is a bit short on fiscal resources at the moment, but if weaknesses are found, some resources may be provided so that the faculty member has an opportunity to address them. Many of our campuses (our System has 22 at the moment) have established centers for effective teaching, where faculty have access to a wide variety of services. Where there are functional centers of this type, they have proven to be very useful for newly-hired faculty and theoretically could provide a centralized place on campus where continuing faculty could learn about strategies for collaborative teaching, incorporation of technology into their courses, and lots of other useful instructional tools. Again, the resource issue is a problem here.

I think that most of the faculty in our System take this evaluation rather lightly, in part, because it was forced on us by the Board of Trustees. Had it come from the faculty I believe that it would be taken much more seriously. One of its major problems is the inescapable fact that there’s a lack of resources available to address weaknesses, and a lack of resources available to reward strengths.

At the University of Rhode Island, according to Wendy Roworth, who is the Second Vice President of the AAUP, there is a system of post-tenure review which is well-received by the faculty. In her words, “Associate Professors are reviewed every two years and Full Professors every four years, by department peers, department chairs, deans, the provost and the president. Everyone gets feedback; everything is in writing; everyone has several opportunities along the way to respond. It is very helpful for associate professors to be able to build a track record of good reviews, so that when they feel ready to request promotion to full professor, there is a clear record of professional development and achievement.

Even at the full professor level the reviews are an opportunity for periodic self-assessment and reflection, feedback and encouragement. The reviews have proven useful for establishing satisfactory track records, avoiding capricious accusations of incompetence, and as important evidence in grievances.” The faculty at the University of Rhode Island, like those in the California State University, bargain collectively with their administration.

In 1993, the University of Wisconsin faculty adopted a post-tenure review process to keep the Regents from imposing one without their input. The process is similar to the one used in our System, except that it provides the option of allowing one person to do the review if some departments did not want to establish a review committee. The Wisconsin policy also allows for the reviews to be done in conjunction with annual reviews for merit pay raises, or they may be replaced by the comprehensive reviews done for promotions from associate to full professor. In addition, faculty members may reject any member of their review committee in the Wisconsin Procedure.

In the four campus University of Colorado system, a policy of post-tenure review was instituted in the early 1980s. The policy of that System requires that “In order to facilitate continuing faculty development, each faculty member shall be subject to comprehensive peer review and evaluation at least once every five to seven years after the award of tenure. The evaluation may be conducted in conjunction with existing program review procedures or as part of the annual review for salary determinations; however, the faculty evaluation must be comprehensive in scope. The faculty member, the dean of the college or school, and other appropriate administrative officers shall be informed by the department chair or the equivalent administrator of the results of the evaluation.”

In 1989, the Regents of the Colorado system asked for a report on the origins, conduct, and success of the university’s processes for periodic performance review. The following recommendations were submitted by Weston and Johnson, who had been asked to conduct the report:

1. If post-tenure review was to be continued, it should be with...faculty development clearly in mind.
2. In order to achieve the purpose, a resource base of no less than $250,000 should be set aside annually.
3. Universal and thorough feedback of the results should be provided faculty members through conferences with their dean and/or review committee, and by a written report and recommendations in every case.
4. Consistent with the original policy statement, external reviews should always be permitted, and should be required when there is a difference of opinion or when the faculty member or member of the review committee request them.
5. The office of the vice president for academic affairs should continue its efforts to develop and sustain a clear definition of excellence in faculty performance.

This report was submitted in 1989 and as of the beginning of 1991 there has been no response to it from the Regents of the Colorado System. I don’t know if the Regents ever responded to the recommendations, but these recommendations are ‘on target’ in my opinion.

There is scant literature available on policies which have been implemented solely for the evaluation of tenured faculty. Those policies which I’ve shared with you today have many similarities but differ in significant ways. As you discuss the possibility of implementing a system of periodic review, I hope that faculty and administration will work together to develop the guidelines and will define clearly the intent of such a review. In order to make it possible to implement usefully, please consider seriously dedicating a reasonable budget up front to enable its adoption consistent with the intent. In my view, these evaluations should emphasize the categories of teaching and scholarship in the discipline, a feeling which, considering the topic of your Conference, you might share. Such a responsible policy would assist you well in carrying out your mission as the educators of our nation’s pharmacists.

The work of the professor becomes consequential only as it is understood by others.

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References

