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ABSTRACT

In this study, 76 faculty (48 tenured, 28 nontenured) at 5 private universities were interviewed and asked to rate seven questions on tenure and then comment on their ratings. Faculty were at small and medium-sized colleges and universities in Southern California and represented the fields of sociology, history, biology, and business. The faculty rated job security and due process as more important attributes of tenure than the protection of academic freedom or professional status. They also said that academic freedom would still be moderately well protected on their campuses if there were no tenure system, because of the culture and traditions of the institution, students, the administration, and above all, the faculty themselves. Survey results suggest that de-coupling tenure and academic freedom for purposes of analysis could lead to better employment practices and the expansion of academic freedom to all faculty, both tenured and nontenured. Tables detailing the study's findings are included. (Contains 27 references.) (Author/LEE)

Faculty Attitudes Toward Tenure and Academic Freedom at Private Universities

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Abstract

In this study, faculty at five private universities were asked to rate seven questions on tenure and then comment on their ratings. The faculty rated job security and due process as more important attributes of tenure than the protection of academic freedom or professional status. They also said that academic freedom would still be moderately well protected on their campuses if there were no tenure system, because the culture and traditions of the institution, students, the administration, and above all, the faculty themselves would still support academic freedom. Based on the attitudes of faculty in the study, de-coupling tenure and academic freedom for purposes of analysis could lead to better employment practices and the expansion of academic freedom to all faculty, both tenured and nontenured.

Introduction

There is extensive commentary on the advantages and disadvantages of tenure (e.g., Commission on Tenure, 1973; Chait & Ford, 1982; Bowen & Schuster, 1986; Brown & Kurland, 1990; Tierney & Bensimon, 1996). However, few studies have been conducted regarding faculty attitudes toward tenure. The Carnegie Foundation conducted a survey in which faculty members were asked whether the abolition of tenure would, on the whole, improve the quality of American higher education. Twenty-nine percent of all faculty agreed; 59 percent disagreed (Carnegie Foundation, 1989). McCart (1991) interviewed 57 faculty at a public university, and found that 60 percent saw tenure as a positive aspect of academia, 30 percent said there were pros and cons, five percent said it

was more important to the liberal arts, and five percent said it was not a positive aspect of academia.

In this study, faculty at five private universities were asked to rate seven questions on tenure and then comment on their ratings. This paper describes the origins of the questions used in the interviews, the faculty responses, and the relationship of the responses to the literature. The data collected suggest that while tenure is a rational employment practice, the protection of academic freedom depends on sources of support beyond the tenure system. The author will argue that de-coupling tenure and academic freedom for purposes of analysis could lead to better employment practices and the expansion of academic freedom to all faculty, both tenured and nontenured.

Method

A qualitative research design was chosen in order to draw out the opinions, attitudes and subjective judgments of faculty members. The data collection technique consisted of structured interviews. Faculty members were asked to rate seven questions about tenure by providing a numerical rating on a scale of 1 to 5 indicating low to high importance, low to high levels of academic freedom, or low to high levels of protection. Each question was followed by an invitation to the faculty members to comment on the ratings they chose. The study therefore produced both quantitative and qualitative data for analysis and comparison.

Faculty members at private institutions were interviewed because, unlike faculty at public institutions, they are not protected by the freedom of speech clause of the First

Amendment (Hobbs, 1994). The institutions were small and medium-sized colleges and universities located in Southern California. Two were Roman Catholic, one was Lutheran, one had a strong Protestant affiliation, and one was secular. The 76 faculty interviewed were in the fields of sociology, history, biology, and business. The four disciplines were chosen to represent a range of "left" to "right" on the political spectrum of faculty members described by Ladd and Lipset (1975). All five institutions have tenure systems. Forty-eight of the faculty were tenured; 28 were nontenured. Women and minorities were under-represented in the study, as they are in the profession: There were 53 men and 23 women faculty; 71 Caucasians and 5 minority faculty. The interviews were conducted in February and March 1996. The study was part of a larger research project on faculty attitudes toward academic freedom (Keith, 1996).

Faculty were asked to rate four attributes or advantages of tenure: (1) the protection of academic freedom, (2) job security, (3) due process, and (4) professional status and peer recognition. The protection of academic freedom and job security were selected as attributes because they were the two reasons given for tenure in the 1940 Statement of Principles on Academic Freedom and Tenure (hereafter "the 1940 Statement")(AAUP, 1990). Due process was selected as an attribute because the General Declaration of Principles in the 1915 General Report of the American Association of University Professors (AAUP) and the AAUP 1940 Statement both describe tenure as a guarantee of due process. The fourth attribute, professional status and peer recognition, was chosen because faculty members are usually granted tenure only upon the

recommendation of their peers, and the grant of tenure is often tied to promotion to associate or full professor, an increase in professional status.

After the faculty rated the attributes of tenure, they were asked to compare the academic freedom of tenured and nontenured faculty. This question was asked because of statements in the literature that nontenured faculty feel more constrained or have less academic freedom than tenured faculty (e.g., Van Alstyne, 1971, Bowen & Schuster, 1986). Finally, it has been asserted that tenure is the single most important protector of academic freedom at colleges and universities; that academic freedom and tenure are inseparable; and that without tenure there can be no academic freedom for the faculty (e.g., Machlup, 1964/1967; Tucker & Mautz, 1982; Brown & Kurland, 1990). To explore this issue, faculty were asked: Would academic freedom still be protected on your campus if there were no tenure system?

Results

Rating the attributes or advantages of tenure

The faculty rated the four attributes or advantages of tenure on a scale in which 1 = not important and 5 = very important. The ratings, in order of descending importance, are shown in Table 1. The faculty gave higher ratings to tenure as job security and due process than as a protector of academic freedom. A total of 63 faculty gave job security a "4" or a "5." Fifty-four faculty gave due process a "4" or "5," and 52 faculty gave the protection of academic freedom a "4" or "5." Professional status and peer recognition was much lower; only 37 faculty gave it a "4" or "5."

Table 1

Attributes or advantages of tenure: mean ratings

Attribute	# Faculty	Mean rating	Std. dev.
Job security	75	4.36	1.048
Due process	72	4.11	1.082
Protect academic freedom	75	3.97	1.208
Peer recognition	76	3.50	1.149

Note: The table shows faculty ratings of four attributes or advantages of tenure (number of faculty responding, mean rating of those responding, and the standard deviation, on a scale in which 1=low importance and 5=high importance).

Academic freedom of tenured and nontenured faculty

The faculty were asked to compare the academic freedom of a tenured faculty member with that of a nontenured faculty member. This was done by asking each faculty member to provide a rating for the amount of academic freedom that a tenured faculty member has, and then provide a separate rating for the amount of academic freedom that a nontenured faculty member has. The scale was 1 to 5, in which 1 = low or little academic freedom and 5 = high or a lot of academic freedom.

The mean rating for the academic freedom of tenured faculty was 4.68, with a standard deviation of .6. This was far higher than the mean rating for nontenured faculty, which was 3.36, with a standard deviation of 1.2. A total of 57 faculty members rated

the academic freedom of a tenured faculty member as a "5," while only 15 of the faculty rated the academic freedom of a nontenured faculty member as a "5." Nontenured faculty were seen as having considerably less academic freedom than tenured faculty.

Academic freedom without tenure

The final question was whether academic freedom would still be protected at the faculty member's institution if there were no tenure system. The scale was 1 = no, academic freedom would not be protected, and 5 = yes, academic freedom would be completely protected. The 70 faculty who rated the question gave it a mean rating of 3.41, with a standard deviation of 1.2. As shown in Table 2, a total of 15 faculty gave a

Table 2

Academic freedom without tenure: Frequency of ratings

Rating	n	%
1= not protected	6	8.6
2= not well protected	10	14.3
3= moderately well protected	15	21.4
4= well protected	27	38.6
5= completely protected	12	17.1

Note: The table shows the scale (1 to 5), the number of faculty (n) who gave each rating, and the percentage who gave each rating.

"3," 27 faculty gave a "4" (the mode), and 12 faculty gave a "5." A total of 54 faculty--77 percent of those responding--gave a rating of either "3," "4," or "5." This means that 77 percent of those responding thought that academic freedom would still be moderately to completely protected at their institutions if the tenure system were eliminated.

Faculty comments

Forty-one or 54 percent of the faculty members made comments as well as giving ratings. A content analysis of these comments yielded 12 key words or concepts. Using the key words, faculty comments were reviewed and the number of faculty who mentioned each one was counted. The results are shown in Table 3.

The comments made by the most faculty in regard to tenure were consistent with the ratings given by faculty to the structured questions on tenure. The comment made by the most faculty, that nontenured faculty have to hold their tongues, as well as the comment that tenure weeds out rebels and strong personalities, are both consistent with the mean rating for the academic freedom of nontenured faculty--much lower than the rating for tenured faculty. The faculty rated job security and due process higher than the protection of academic freedom in responding to the questions about the attributes of tenure. Consistent with those ratings, more faculty mentioned due process and security than the protection of academic freedom in their comments.

The faculty felt that academic freedom would still be moderately well protected on their campuses without tenure. This rating is consistent with faculty comments that academic freedom can be protected without tenure, as well as their statements that there

Table 3

Key words or concepts in faculty comments on tenure

Key word or concept	# Faculty mentioning key word
Nontenured faculty have to hold their tongues	12
Tenure is out of date, and will probably go away	8
Due process is most important	7
Academic freedom can be protected without tenure	7
People want the security of tenure	6
If they want to get rid of you, they can, even with tenure	5
There is no necessary relation between academic freedom and tenure	4
Contracts with performance models would be preferable to tenure	4
Tenure protects academic freedom	3
Tenure weeds out rebels and strong personalities	3
It is hard to dismiss tenured faculty	2
The "up or out" system is a problem	2

Note: The table shows the key words or concepts mentioned by faculty in regard to tenure, in descending order of the number of faculty who mentioned each key word or concept.

is no necessary relation between academic freedom and tenure. It is also consistent with the statements by faculty that tenure is out of date and will probably go away; that due process is more important than tenure, or is the most important feature of tenure; that the administration can get rid of a faculty member with or without tenure; and that there are advantages to the use of contracts with performance models instead of tenure. Finally, it is consistent with faculty confidence that the students, faculty, administration, campus climate, and traditions would still support academic freedom in the absence of tenure.

Discussion

The ratings and statements made by the faculty in this study suggest that to them, tenure is an employment practice, providing job security and due process. The protection of academic freedom is broader than tenure, because there are many sources of protection for academic freedom.

Tenure as job security and due process

When the faculty in the study were asked to rate the four attributes or advantages of tenure, they placed the highest value on tenure as job security. This matches historical interpretations and is consistent with the AAUP 1940 Statement. Rudolph (1962), Veysey (1965), Schmitt (1972), and Lucas (1994) all attributed the drive for tenure and academic freedom to the faculty desire for job security. The 1940 Statement identifies two reasons for tenure: academic freedom and economic security. According to Bowen and Schuster (1986), "[t]enure literally refers only to job security" (p. 235).

While job security is related to academic freedom, it is a separate good in itself,

since faculty know that once they get tenure, they can "concentrate on their basic obligations to their students and their disciplines" (Commission on Tenure, 1973, p. 16). Tenure provides faculty with the freedom to make commitments to long-term projects (Cadwallader, 1983; Bowen & Schuster, 1986; Brown & Kurland, 1990).

The faculty in the study rated due process second highest as an attribute of tenure. Due process, according to some interpretations, is what tenure *is*. William Van Alstyne, past president and legal counsel for the AAUP, said:

> Tenure, accurately and unequivocally defined, lays no claim whatever to a guarantee of lifetime employment. Rather, tenure provides only that no person continuously retained as a full-time faculty member beyond a specified lengthy period of probationary service may thereafter be dismissed *without adequate cause*. (Van Alstyne, 1971, p. 328).

Adequate cause must be determined by due process, and may not be arbitrary and capricious. The 1940 Statement said that the dismissal of a faculty member for cause should 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 on the case" (AAUP, 1990, p. 4).

In summary, the high rating given to job security by the faculty in the study is consistent with the historical drive for tenure. Since tenure was established to protect academic freedom by providing due process, faculty in this study who said that they would prefer to have due process instead of tenure were focusing on the original purpose

of tenure, instead of later interpretations of tenure as a guarantee of lifetime employment.

Tenure as an employment practice

McPherson and Winston (1983) argued that tenure is a rational response to the problems of hiring faculty for colleges and universities. Businesses usually hire generalists, who are trained and assigned to a series of different jobs based on their talents and interests. Employees can change their fields or their duties within a field as they discover or develop their skills and abilities over time. Academic institutions, by contrast, hire specialists to do much the same things in the same disciplines throughout their careers. The tenure system, characterized by a long probation period and thorough evaluation leading to tenure, is therefore "a reasonable way of solving the peculiar personnel problems that arise in employing expensively trained and narrowly specialized people to spend their lifetimes at well-defined and narrowly specialized tasks" (McPherson & Winston, 1983, p. 164). Tenure is an employment practice which sorts out faculty, sending some away and granting others a high degree of long-term job security.

Because it provides job security, tenure is an important factor in attracting talent to the academic profession (Benjamin, 1995). Tenure can also contribute to institutional stability. Administrators may come and go, but tenured faculty may stay for decades. Since in many respects the faculty *are* the university, this stability is important (Bowen & Schuster, 1986). Tenure can also promote quality. The significance of the tenure decision forces institutions to screen out less competent faculty, rather than letting them

stay around year after year until it is too late to ask them to leave (Chait & Ford, 1982; Rosovsky, 1990).

The high rating given by faculty in the study to tenure as job security and due process indicates that, in their eyes, tenure is an employment practice. As an employment practice, it meets the unique employment needs of academic institutions, and responds to the high value which faculty place on job security and autonomy.

Tenure as a protector of academic freedom

While tenure is a rational employment practice, it is inadequate and even counter-productive as a means of protecting academic freedom. The 1940 Statement asserts that during the probationary period when a faculty member is nontenured, he or she "should have the academic freedom that all other members of the faculty have" (AAUP, 1990, p. 4). While nontenured faculty *should* have academic freedom, the faculty in this study said that nontenured faculty *do not* have academic freedom. As Metzger (1973) observed, the tenure system has left unanswered the question of how to protect the academic freedom of the nontenured--the "unentitled" in a two-class system.

The faculty in the study said that the tenure system screens out those who are the most radical--those who are the most likely to need academic freedom. According to O'Toole (1978), because the grant of tenure is potentially a multi-million-dollar decision, universities and their faculties play it safe. Tenure is not given to the innovator or iconoclast, but rather to those who are not likely to embarrass the university. Slaughter (1981/1987) speculated that during the 1970's, "many probationary faculty silently

engaged in controversial research may have been quietly removed during tenure decisions" (p. 95).

Tenure may protect the academic freedom of the tenured faculty at the expense of the nontenured faculty. O'Toole (1978) asserted that "tenure . . . takes away the freedom of the untenured" (p. 30). Van Alstyne (1971) agreed that "the anxiety of prospective *nonrenewal* may be seen to chill the appointee's academic freedom in a manner unequaled for those members of the faculty with tenure" (pp. 331-332). All the faculty ratings and comments in this study supported this view: Nontenured faculty have to watch what they say; they have to lay low; they have to be careful if they want to achieve tenure. Some tenured faculty noted that, theoretically, nontenured faculty have as much academic freedom as the tenured faculty, but nontenured faculty don't believe it. Even if the freedom is there, the nontenured faculty see too big a risk in exercising that freedom. The desire of nontenured faculty to obtain tenure is so strong that they are willing to live with much less academic freedom until they are tenured.

In summary, tenure as a protector of academic freedom it is a two-edged sword, enhancing the academic freedom of some and decreasing the academic freedom of others. This means that strategies to enhance academic freedom for *all* faculty must go beyond tenure.

Protecting academic freedom without tenure

The faculty in this study believed that academic freedom would still be moderately well protected on their campuses without tenure. They believed this because they did not

see academic freedom and tenure as inseparable; some said that there is no necessary relationship between them. They saw the protection of academic freedom as a broader issue than tenure, because tenure is not the only source of protection.

Faculty at several of the institutions in the study mentioned the culture and traditions on their campuses as protectors; faculty at three institutions specifically mentioned the philosophies of their founding or sponsoring churches as being supportive of academic freedom. Faculty also mentioned the role that students, administrators, and the faculty can play in keeping academic freedom strong. They noted that the AAUP and the voice of the larger academic community beyond their institutions' walls could also bring pressure to bear.

The question faculty were asked about the impact of eliminating tenure on their campuses is clearly speculative. Nobody really knows what would happen on each campus if tenure were discontinued. But the faculty responses in the study were coherent and consistent. As one faculty member said, tenure is for job security, so the elimination of tenure means *less job security.* It doesn't necessarily mean less academic freedom. Other protectors of academic freedom can mitigate the negative impact of the elimination of tenure. First among those protectors are the faculty themselves, willing to stand up and be heard if their academic freedom is threatened. This includes faculty in their committees and Senates, faculty as concerned individuals, and faculty as members of professional associations and the larger academic community. Then there is the culture and traditions, which value academic freedom. Even administrators can be a source of

strong support--many of them were faculty members themselves, and understand the importance of academic freedom.

In short, the faculty felt that the protection of academic freedom at their institutions depends on themselves, the tenure system, culture and traditions, and their administrations. Removing one element of protection--tenure--would have a negative impact, but they felt that academic freedom would still be moderately well protected. The faculty, the culture and traditions, and supportive administrations would still be in place.

De-coupling tenure and academic freedom

The statements made by faculty in the study suggest de-coupling tenure and academic freedom for purposes of analysis. As long as the two concepts are coupled, tenure will limit academic freedom, because only some faculty are tenured. If, however, tenure and academic freedom are de-coupled, each can be considered separately on its own merits.

When considering academic freedom on its own merits, there is no reason why any faculty member should not have academic freedom. If academic freedom is essential to the academic profession, *all* faculty should have it, whether they are tenured or nontenured, tenure track or nontenure track, full-time or part-time. The question then is: What steps should be taken, and what procedures should be in place, to guarantee all faculty academic freedom? The simplest answer is to guarantee academic freedom and due process in faculty contracts, enforceable in a court of law (Byrne, 1997). This is akin

to the original concept of tenure as due process, with the advantage that academic freedom is no longer limited by tenure but is available to all faculty, regardless of their tenure status.

Meanwhile, tenure can be viewed as an employment practice which is part of the larger employment package offered to faculty. Viewing tenure in this way opens up possibilities for flexibility in the faculty employment package. For example, some faculty may place less value on tenure and more on salary; others may place a high value on frequent sabbaticals or a lower teaching load; still others may place the highest priority on tenure. Employment packages could offer faculty members choices which reflect their values and preferences. Those who value tenure could seek it, and those who do not value it could choose other options. Since academic freedom would have its own, separate contractual protections, it would still be protected, even if fewer faculty chose tenure as a feature of their employment package.

In conclusion, many faculty in the study de-coupled tenure and academic freedom in their ratings and comments. Looking at tenure and academic freedom separately can lead to a new context for each concept. Through the use of contracts, academic freedom can be guaranteed to all faculty. Meanwhile, tenure can be sought by those who place a high value on it as part of their terms of employment. Employment packages can more closely suit the preferences of faculty, and academic freedom will no longer be limited to those with tenure.

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