

Tenure and Promotion 101: What you need to know?

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By

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Abstract

The purpose of this article is to examine the tenure and promotion process at the dawn of the 21st century. Scholarly articles have been published. University policies have been adopted and reviewed, and case litigations in court have addressed issues of tenure and promotion.

Introduction

Tenure and promotion continue to be a highly controversy issue in higher education at the dawn of the 21st century (Mawdsley, 1999). Starting in the 1990's, when Standford university fired an economics professor Edward Ross for political activities, it took forty years for tenure to be widely accepted in the United States (Ruffin, 1997). Ultimately, the Ross case led to the formation of the American Association of University Professors (AAUP).

Tenure as we know it today did not exist prior to the 1940's (Murphy, 1985). The AAUP in 1940 issued a "Statement of Principles on Academic Freedom and Tenure." The 1940 Statement of Principles states that "after the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure and their service should be terminated only for adequate cause except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies (AAUP, 2002).

Tenure and promotion decisions are often difficult decisions, and they usually have long term consequences for faculty in colleges and universities (Abbott & Sanders, 1991). University professors have always indicated concerns about job security and many of them have sought freedom of expression and belief (Israel & Baird, 1988). The birth of the AAUP provided a “sigh of relief” but by no stretch of the imagination has it been a “panacea” for tenure and promotion. The AAUP sought to accomplish two goals: (1) the right to establish the faculty as the body best able to judge the qualification of other faculty, and (2) the use of certain procedures (such as written charges and a faculty trial) to make it more difficult for the institution to dismiss faculty members capriciously (AAUP, 2002).

Further review of the literature, tend to suggest that thirty years ago full time, non-tenured track faculty, adjuncts, and part-time faculty were the exception (Flower, 2003). There were visiting professors, adjuncts and non-tenured faculty in a limited number of fields. In 1969, they accounted for little more than three percent of the faculty. Flowers (2003) further asserts that full time tenure faculty are becoming the minority. As a result of the growing practice of appointing both part and full time non-tenured faculty, only two out of every five faculty positions are held by a tenured or tenure track faculty member. Therefore, colleges and universities seem to be replacing tenured faculty with adjunct and part-time faculty.

Tenuring a professor is becoming so expensive that universities are less willing to do it except when it is absolute necessary or they need to attract high-profile superstar professors (Ruffins, 1997).

Anderson, (2002) contends that the last two decades have given rise to a significant increase in faculty members hired in colleges and universities that are employed in part-time, or full time non-tenured track positions. This substitution of full time tenured faculty for part time and full time non-tenured faculty is happening because of (1) growing financial pressures faced by public and private colleges and universities, and (2) the lower cost of hiring part-time and non-tenured faculty (Ehrenberg & Zhang, 2004).

Part-time, non-tenured, and visiting professors are a sizeable part of the workforce in colleges and universities (Mawdsley, 1999). The pros and cons of hiring part-time, non-tenured and visiting lecturer can be highly controversial for both faculty and administration. Review of the literature, tend to provide finite facts on the employment of tenure track versus part-time, and non-tenured faculty.

Ehrenberg & Zhang, (2004) panel study tend to suggest that the growing use of part-time and non-tenured track faculty adversely affects undergraduate students enrolled at four year colleges and universities by reducing their five and six year graduation rates. This study also suggests an additional need for tenured faculty. However, the evidence of this panel study is not conclusive and does not hold true for all colleges and universities. The average salary of full-time lecturers at the dawn of the 21st century (most of who are not on tenure track) was \$43,129 as compared to the average cost of assistant professors (most of whom are on tenure track) was \$49,725. Therefore, for every assistant professors replaced with a part-time, non-tenured, visiting lecturer, the university could possibly save on average \$6,596 or 13.2 percent cost cutting measures for the institution. Cost savings from hiring part-time and/or adjunct faculty, who often received no benefit

package, as well as lower salaries than their counterpart tenure faculty is a financial incentive for colleges and universities.

The road to tenure and promotion is long and arduous (Abbott & Sanders, 1991). It usually begins with a five to six year probationary period that can be tedious, stressful, and challenging for all those involved in the tenure and promotion process. The inclusion of Academic freedom, teaching, research, service as well as institution's politics have to be reckoned with by both faculty and administrators.

Getting on Track

Murphy (1985) asserts that "tenure track" describes a probationary period whereas faculty members, who have fulfilled the University's requirement and are qualified for an initial appointment at a certain rank, must demonstrate excellence in performance in teaching, service, and research. Most junior professors live with anxiety and fear because decisions related to tenure and promotion vary from institution to institution and may seem arbitrary and unfair (Strouch, 2004). It is of utmost importance that junior professors know what is required to achieve tenure at their respective university (Abbott & Sanders, 1991). At the beginning of the junior professor's probationary period, dialogues and discussions about specific requirements should be ongoing with deans, department chairs, promotion and tenure committees and tenured faculty. Further examination of the university's mission statement, faculty handbook, policies and procedures can only enhance one's knowledge of the tenure and promotion process (White, 2005).

Often, the tenure decisions start with and generally follow the recommendations of departmental committees, but at some institutions the departmental chairperson or dean

makes the effective recommendations with or without formal consultation. At many institutions, the Board of Trustees make the final decisions. However, at some institutions, presidents and chief executive officers have the ultimate authority to grant tenure. The policies and procedures manual at most universities address grievance procedures that allow faculty members to appeal “tenure and promotion” decisions.

Some educators view the tenure and promotion process as being separate. DeSpain (2006) posits that tenure should be separate from promotion and reserved for full professors with terminal degrees in their field. The tenure process according to (DeSpain, 2006) should include careful deliberation by the senior administrator and a Board of Trustees to determine the percentage of faculty that can get safely tenured at any one time. DeSpain (2006) has recommended a model that included steps for granting tenure for the promotion process. The first step recommend for the model is to eliminate the peer review portion of the tenure process because the departmental faculty are not generally involved in future planning for the university and are not aware of the long term needs of the university. The second step recommended is to have the candidate to provide information related to long term contributions to the university, the university’s contribution to the candidate’s productivity, and the career goals of the candidate and their value to the university. Specific questions maybe developed for response from the candidate. The third step recommended is for the candidate to respond to a set of questions to be reviewed by tenured faculty. In addition, the candidate would be mentored through the process by tenured faculty or by a committee of them (DeSpain. P 57-58).

Legal Implications Related to Tenure and Promotion

As the pendulum of tenure and promotion continues to swing, litigations continue to remain at “center stage.” Higher education has long been accorded special status by the judiciary (Lee, 1985). Until the second half of the twentieth century, litigation involving colleges and universities was infrequent if seldom initiated by the college itself, and the college usually prevailed (Kaplin & Lee, 1995). Judges generally viewed academic matters as unique, specialized, and beyond the capacity of the courts to oversee. Because higher education was viewed as a privilege rather than a right, the judiciary usually accorded great deference to the decisions of administrators and trustee (Kaplin & Lee, 1995). The number of lawsuits against colleges and universities is soaring as faculty members seek to resolve their grievances against institutions of higher learning in the state and federal courts (Lee, 1985).

Institutions of higher education don't welcome litigation related to tenure and promotion, and their reaction is usually hostile. Administrators view a court challenge not merely as expensive, time consuming, and unpleasant, but as an attempt to destroy traditional collegial decision making by subjecting it to judicial scrutiny (Kaplin & Lee, 1995). Although “fared well in most litigations in higher education” most administrators criticize the judiciary role as intervention for at least three reasons. First, is the cost incurred by the college and university. Second, it creates a greater adverse relationship between faculty and administrators, and third it threatened the process of academic freedom or peer review. Thus the judicial system is seen as the enemy of academic norms and as a force antithetical to the maintenance of academic standards (Chang, 2001).

Even though courts have viewed higher education with special status, this does not mean that a colleges and universities are immune from the “arms of justice” nor can they

“do no wrong.” Court cases have been recorded that ordered a faculty member who was denied tenure by a college to be awarded tenure by that university. (Kunda v. Muhlenberg, 1978).

Colleges and universities usually speak through their policies and procedures. Tenure and promotion policies are “big ticket items” and can often be found in the faculty handbook. Faculty allegations of discriminations, violations of constitutional rights and federal civil rights laws are becoming apparent (Zirkel, 1988). Denial of tenure and promotion on the basis of these allegations can provide faculty with a judiciary ruling in favor of the faculty. General termination of non-tenured faculty was developed by the Supreme Court in Board of Regent v. Roth. In this case the court stated that a non-tenured faculty member had no expectations of continued employment and thus need be given neither a hearing nor reasons for dismissal. In termination cases involving alleged discrimination, the burden of proof is on the faculty to prove that a negative or wrong decision (e.g. tenure and promotion) is based on race, sex, national origin, religion, or color. Usually, under these allegations, colleges and universities are given an opportunity to respond to the charge(s)

Academic Freedom and Tenure

Academic freedom and tenure are two concepts that form the basis for employment arrangements in colleges and universities (Fossey & Wood, 2001). Employment is important to both the university and faculty. The goals which gave birth to the American Association of university Professors are based on Academic freedom for faculty. The concepts “academic freedom” and “tenure” are used interchangeable but they are different in true meaning. Academic freedom can be defined as the freedom of faculty

members to research, write, teach, and publish without fear of retribution based on the unpopularity of their ideas (AAUP, 2002). Tenure is generally defined as the right of a faculty member to continuous employment, which cannot be terminated without adequate cause (generally including financial exigency) or without due process (Fossey & Wood, 2001).

Both concepts are designed to enable professors to pursue their academic work without fear of arbitrary dismissal or retribution. Academic freedom and tenure are inseparable, because you can't be free if you are afraid of losing your job (Perley, 1997). The argument can be made that we no longer need tenure because our speech in the classroom is protected by the first amendment. White (2005) contends that this is not true. Although both concepts are supposed to benefit faculty, this does not always hold true in the 'tenure and promotion process.' Academic freedom and tenure have both been the subject of court cases over the years. State, Federal courts, and the Supreme Court have made rulings that affect faculty and higher education.

Without academic freedom institutions of higher learning would probably have a legitimate reason to eliminate tenure altogether (Fossey & Woods, 2001). The new economic realities and constraints in higher education reinforce faculty members' need for guaranteed academic freedom. Professors know that administrators do not want the students to flunk (Stronch, 2004). They know that administrators tend to intervene in grading disputes to satisfy students, who feel that once they have paid for their credits, they deserve a grade just for coming to class (Fogg, 2006). If not protected by tenure, another classic example is, "what faculty member would say that the child of a trustee had not earned a passing grade in his/her class.

In essence, academic freedom encompasses two notions. First, academic freedom asserts the principle that faculty members in higher education are free to research, write, teach, and publish without fear of retribution based on the unpopularity of their ideas. Second, postsecondary institutions have the freedom to conduct the academic enterprise free from unreasonable governmental intrusion (Fossey & Robert, 2002). At minimum, the institutions right to academic freedom includes the right to determine on academic grounds “who may teach, what may be taught and who may be admitted to study?” (Sweezy v. New Hampshire, 1957).

Teaching

Hanna, Haug, & Krabbenhoft (2005) contends that criteria for tenure and promotion in most institutions of higher education center around an evaluation of the faculty based on their performance of teaching effectiveness, scholarly activities, services, and contribution to the university.

Many large research institutions say they value teaching; however, when it comes time for tenure evaluation, research seems to be the number one concern (Fogg, 2006). A popular but often unspoken warning among junior professors especially at large research institutions, is to avoid the impression of spending too much time on teaching. On the other hand smaller universities and many Historically black Colleges & Universities (HBCU’s) place emphasis on teaching (White, 2005). Tenure-track faculty as well as tenured faculty are encouraged to become competent teachers. This looks good when the institution comes up for accreditation. The notion of scholarly teaching should not be sacrificed for scholarly funded research that enhances the university’s financial budget (Shapiro, 2006).

The primary data used to evaluate teaching, usually come from poorly designed student evaluation. Competent teaching is traditional, determined by preparing good lectures and receiving good student evaluations (Shapiro, 2006). Teaching should be assessed in terms of student learning and student outcome assessment, rather than professor's powerpoint presentation, and electronic web based evaluations.

Teaching expectations and performance may vary in colleges and universities (Prince & Cotton, 2006). Faculty at colleges and universities that place emphasis on teaching tend to have a teaching load of three courses per semester versus two courses a semester for research institutions (Anderson, 2002). White (2005) asserts that teaching loads at some HBCUs tend to consist of two courses a semester at the doctoral level, three courses a semester at the master's level, and four courses a semester at the undergraduate level. The class sizes, on the other hand tend to be larger at undergraduate level as compared to the master's and doctoral level. Therefore, this may adversely affect students' learning, students' outcome and performance assessments that students are expected to pass (Saaty & Ramanujam, 1983).

Junior Faculty are expected to display high level teaching competence, even if the weight and value of teaching is not as great as that of research. In general, it seems that colleges and universities are taking teaching more seriously than they have in the past. Tenure track faculty are still mentored, coerced, and sometimes stiff-armed to use tenure track periods to primary focus on establishing excellence through a funded research program in their discipline

Conclusion

Tenure and promotion requirements are becoming increasingly stringent and are based on evaluation of a number of areas including, teaching, research, and service (Israel & Beard, 1988). Newell & Price (1988) asserts that criteria for tenure and promotion are not always defined clearly by colleges and universities. Even though tenure and promotion are not the same, their criteria usually include (some often vague expectations of teaching, research, and tenure promotion policies), that tend to vary from institution to institution. Therefore, it is extremely important that junior faculty familiarize themselves with the department in which they seek tenure, as well as the faculty's handbook (Miller, 1986). According to Murphy (1985) "tenure track describes a probationary period," usually five to six years, during which a faculty member, who is fully qualified for an initial appointment at a certain academic rank must demonstrate excellence in performance in teaching, research, and service.

Junior professors at the outset of the probationary period should establish a portfolio. This portfolio should include sections labeled teaching, service, and research. Annual documents should be placed in the portfolio. Inquiry, mentoring, and request for assistance should be made to the department chair as well as deans. Publications of at least one to two articles in a refereed and/or peer review journal each year for the duration of the probationary period should enhance one's chances of receiving tenure and promotion. Membership as well as proceedings and presentations at state and national conferences is always a step in the right directions for tenure and promotion. Service that is related to recruitment and public relations for the university continues to be an asset for the junior professor, even after the tenure and promotion process is completed. Teaching appears to be a good evidence for tenure and promotion, however, it doesn't always carry

the greatest weight or equal weight for tenure and promotion. Writing at least one research grant that enhances revenue for the university is always looked upon favorably by presidents and Board of Regents.

Finally, junior professors and others, who aspire for tenure and promotion at the different faculty ranks in higher education should consider the following: (1) read the faculty handbook comprehensively, (2) know the Board of Regent policies and procedures, if they are not published in the faculty handbook. (3) discuss on an ongoing basis the criteria and requirements for tenure and promotion with department chairs and deans annually, (4) select and/or request a faculty mentor, who is successful in teaching, research, and service at the university for assistance, and (5) investigate, inquire, and know the ‘politics’ surrounding tenure and promotion at that university.

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